

By Mr. KEARNS: Petitions of Parker Refining Co., of Cleveland, Ohio; the Cincinnati Cloak & Suit Co.; the Gilbert Grocery Co., and Selby Shoe Co., of Portsmouth, Ohio, for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of Volunteer officers of the Civil War, favoring passage of Volunteer officers' retirement bill; to the Committee on Military Affairs.

By Mr. KELLEY: Memorial of State Grange of Michigan, against the Shields and Myers water-power bills and the Phelan fuel bill; to the Committee on the Public Lands.

By Mr. KIESS of Pennsylvania: Petition from William B. Frith, C. J. Dewey, George W. Dibble, S. Barrett, N. Benson, W. E. Mitchell, D. P. Metcalf, Lizell George, W. E. West, and John Enderle, all of Tioga, Pa., petitioning Congress to submit amendment prohibiting importation, manufacture, and sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. LOUD: Petition of A. T. Bliss and 20 other post-office employees of Midland and Coleman, Mich., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MOON: Papers to accompany a bill for the relief of Lou Stewart; to the Committee on Pensions.

By Mr. MOORES of Indiana: Memorial of Friends of Irish Freedom, of Indianapolis, Ind., protesting against deportation of Irish citizens to work in British munition factories; to the Committee on Foreign Affairs.

By Mr. NICHOLS of Michigan: Petition of B. E. Longworth and 24 residents of Detroit, Mich., protesting against passage of House bill 13778; to the Committee on the Post Office and Post Roads.

By Mr. PRATT: Petition of Harry Espey, Walter Home, and sundry other employees of the Elmira (N. Y.) post office, favoring a substantial increase in their pay; to the Committee on the Post Office and Post Roads.

Also, petition of J. S. Houk Hardware Co., of Owego, and the Jamison-McKinney Co. (Inc.), of Ithaca, both in the State of New York, favoring a 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

By Mr. RUSSELL of Ohio: Petition of A. H. Osman and other post-office employees of Lima, Ohio, asking increase in pay; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, December 22, 1916.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, by the age-long tradition of our personal and national life we are brought once more to contemplate the supreme gift of heaven to man, the advent of the Prince of Peace. By the cherished memories of childhood, by the blessed associations of Christian friendship, by the holy ministries of our religion, by the sacred principles of our National Government, Thou dost call upon us to contemplate again the meaning and message of the Babe of Bethlehem. We turn away sick at heart from the carnage of the world in men's bitter strife and hate. Grant that we may with all people hear once more the ancient prophecy saying, "A little child shall lead them." May we hear again in all the earth the echo of the angels' mystic song, "Peace and good will toward men." Grant, we pray, that the year which we face, 1917, may usher in the universal reign of the Prince of Peace. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

The message also announced that the House had passed a bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 6116. An act providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians, in the State of Nebraska;

S. 7095. An act extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912;

H. R. 407. An act to provide for stock-raising homesteads, and for other purposes; and

H. R. 19178. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Berkshire Senatorial Suffrage Committee, of Lee, Mass., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Massachusetts, praying for the enactment of legislation to regulate the price of coal, which were referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. Reports of committees are next in order. [A pause.] The introduction of bills is next in order.

PEACE OVERTURE.

Mr. HITCHCOCK. I submit a resolution, and I should like to have it read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 298), as follows:

Resolved, That the Senate approves and strongly indorses the action taken by the President in sending the diplomatic notes of December 18 to the nations now engaged in war suggesting and recommending that those nations state the terms upon which peace might be discussed.

Mr. HITCHCOCK. Mr. President, I offered yesterday a similar resolution and, under objection, consented that it should be referred to the Committee on Foreign Relations. I feel, however, that it will require so much time to have a meeting of that committee for the consideration of the resolution that I have offered a similar resolution. I should like to have consideration of it to-day—

Mr. GALLINGER. I ask that it may go over.

Mr. HITCHCOCK. But if objection is made I realize that it must go over and be the business of the Senate on the first day of the session after the holiday recess.

The PRESIDENT pro tempore. Objection is made, and under the rule the resolution will go over.

CALLING OF THE ROLL.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Nelson	Sterling
Bankhead	Gallinger	Newlands	Stone
Borah	Gronna	Norris	Sutherland
Brady	Harding	Overman	Swanson
Brandegge	Hardwick	Owen	Thomas
Bryan	Hitchcock	Pittman	Thompson
Chamberlain	Hughes	Poindexter	Townsend
Chilton	Jones	Reed	Vardaman
Clapp	Kenyon	Saulsbury	Walsh
Clark	Kern	Sheppard	Watson
Culberson	Lane	Sherman	Weeks
Cummins	Lee, Md	Shields	Williams
Curtis	McCumber	Smith, Ga.	Works
Dillingham	Martine, N. J.	Smoot	

Mr. THOMAS. I wish to announce the absence of my colleague [Mr. SHAFROTH] on account of illness. I will let this announcement stand for the day.

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. VARDAMAN. I was requested to announce the absence of the senior Senator from Louisiana [Mr. RANDELL] and the junior Senator from Louisiana [Mr. BROUSSARD] on account of illness.

Mr. CLARK. I wish to announce the unavoidable absence of my colleague [Mr. WARREN], who was called from the city. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Illinois [Mr. LEWIS] owing to illness.

Mr. CHILTON. I wish to announce the absence of the Senator from South Carolina [Mr. SMITH] on account of illness in his family.

Mr. ASHURST. I rise to announce the unavoidable absence of my colleague [Mr. SMITH of Arizona], who is absent on account of serious illness in his family.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. A quorum is present.

COTTON FUTURES (S. DOC. NO. 648).

Mr. CHILTON. I ask out of order to submit a report from the Committee on Printing. I am directed by that committee to report back favorably Senate resolution 295, to print the hearings before the Senate Committee on Agriculture and Forestry entitled "Cotton futures amendment" as a Senate document; and I ask for its present consideration.

The PRESIDENT pro tempore. The Senator from West Virginia asks for the immediate consideration of the resolution. Mr. SMOOT. I will ask the Senator if the document is not already in print.

Mr. CHILTON. I do not think it is.

Mr. FLETCHER. It was printed by the committee.

Mr. SMOOT. All I want to know is in what shape it is. Why not simply ask that so many additional copies of it be printed and then it will be in the same form in which it is already printed.

Mr. CHILTON. The resolution is in the shape in which it has been agreed to by the committee and I can not change it without taking it back to the committee.

Mr. SMOOT. I do not think that is necessary. All the Senator from Oklahoma [Mr. GORE] wanted was extra copies, and that is what the committee decided to print.

Mr. CHILTON. Then what is wrong with this resolution?

Mr. SMOOT. Under the resolution there will have to be another print and it will have to have a number and go through that form. It has already been printed at the Government Printing Office and is in print to-day. By a reprint of it the committee can have control of the number, and copies will not have to be sent to the libraries of the country.

Mr. FLETCHER. It does not do that anyhow. This document is a hearing had before the Committee on Agriculture and Forestry and copies are called for. The committee print has been entirely exhausted. There is quite a demand for it all over the country among those interested in this subject. The resolution allows the number of copies to the amount of \$500, which is the limit that the Senate can order, and it automatically takes a number, whether we specify it or not.

Mr. SMOOT. Not necessarily. If a reprint is ordered it will not be a public document, it will be the hearings as originally printed, and that, I understand, is what the Senator wants.

Mr. FLETCHER. I know, but—

Mr. SMOOT. There is no objection to that, but why take the hearings and make a public document of them? Why not have a reprint of the hearings as they are and distribute them in that way?

Mr. FLETCHER. The law is when the Senate orders a reprint of that sort it is a Senate document, and it takes a number.

Mr. OWEN. It can be done upon a resolution of the Committee on Agriculture itself.

Mr. FLETCHER. The committee printed 1,000 copies and they have been exhausted. It is now sought to be made a Senate document. I think it is all right.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the hearings before the Senate Committee on Agriculture and Forestry on the agricultural appropriation bill for 1917, entitled "Cotton-futures amendment," be printed as a Senate document, and that 10,000 additional copies be printed for the use of the Senate Committee on Agriculture and Forestry.

SAFETY AT SEA.

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 299):

Resolved, That the manuscript submitted by the Senator from Wisconsin [Mr. LA FOLLETTE] on July 25, 1916, entitled "Safety at sea—

proposed coastwise pilot charts, showing safety zones and danger places," by Capt. Armistead Rust, United States Navy, be printed as a Senate document, with illustrations.

The PRESIDENT pro tempore. The resolution will be placed on the calendar.

NATIONAL PROHIBITION.

Mr. CHILTON. The Committee on the Judiciary had before it various resolutions on the subject of national prohibition. There was a hearing before that committee and one of the resolutions was acted upon, and I now report that joint resolution favorably with certain amendments. I ask that it be read and go to the calendar.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The Secretary read the joint resolution (S. J. Res. 55) proposing an amendment to the Constitution of the United States as amended by the committee, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —.

"SECTION 1. The sale, manufacture, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from, the United States and all territory subject to the jurisdiction thereof for beverage purposes are hereby prohibited.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

The PRESIDENT pro tempore. The joint resolution will be placed on the calendar.

FLOOD CONTROL.

Mr. VARDAMAN. On behalf of the senior Senator from Louisiana [Mr. RANSDELL], who is confined to his bed by illness, I report back favorably and without amendment, from the Committee on Commerce, the bill (H. R. 14777) to provide for the control of floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, and I submit a report (No. 891) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. KENYON. Mr. President, with reference to the report just made by the Senator from Mississippi [Mr. VARDAMAN], I desire to say that it is not a unanimous report from the committee. Certain members of the committee have reserved the right to file a minority report, if they desire to do so. I understood that would be stated when the report was made; but as it will now appear in the RECORD, the report seems to be a favorable report from the entire committee. I simply desire to make that statement.

Mr. VARDAMAN. The majority of the committee have instructed me to report the bill favorably. I will state, however, that there was an understanding that, if certain members of the committee desired to file a minority report, they could do so.

Mr. KENYON. I merely desired that fact to appear.

The PRESIDENT pro tempore. If there be no objection, that will be permitted.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 7541) granting a pension to Algernie Stevens (with accompanying papers); to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 7542) granting an increase of pension to Torrence Murry (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 7543) granting an increase of pension to John A. Schmitt (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 7544) granting an increase of pension to Lena S. Fenn (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 7545) granting an increase of pension to Kathrina T. Vreeland; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 7546) for the relief of Lauritz S. Rasmussen; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 7547) granting a pension to Mrs. Amelia Perry (with accompanying papers);

A bill (S. 7548) granting a pension to Judith Robinson (with accompanying papers);

A bill (S. 7549) granting an increase of pension to Christopher Darien (with accompanying papers);

A bill (S. 7550) granting a pension to H. H. Hedges (with accompanying papers); and

A bill (S. 7551) granting a pension to Augustus Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 7552) for the relief of Patrick McMahon (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7553) granting an increase of pension to Lewis G. Turner (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 7554) making available any post-office surplus for the fiscal year 1917 for the purchase of the telephone system of the District of Columbia; to insure the Government complete control of such means of communication in safeguarding its military and executive affairs within the seat of government; to provide a special telephone service to facilitate the direct sale of farm products to consumers in said District; to establish the efficiency and economy with which such service may be conducted by the Post Office Department; to the Committee on Post Offices and Post Roads.

By Mr. NEWLANDS:

A bill (S. 7555) to amend section 15 of the act entitled "An act to regulate commerce"; to the Committee on Interstate Commerce.

AMENDMENT TO THE DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER (for Mr. PENROSE) submitted an amendment proposing to increase the salaries of all clerks and employees under the government of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

BATTLE MONUMENT IN THOROLD, CANADA.

Mr. WILLIAMS submitted the following concurrent resolution (S. Con. Res. 29), which was read and referred to the Committee on Foreign Relations.

Resolved by the Senate (the House of Representatives concurring), That the appreciation of the Government and the people of the United States is hereby expressed of the action taken by the people of Thorold, Ontario, Canada, in erecting a monument near that place to commemorate the death on the battle field of Beaverdams, or Beachwood, of a number of soldiers in the service of the United States who there lost their lives during the War of 1812.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. UNDERWOOD. Mr. President, I ask unanimous consent that the substitute which I offer to the Sheppard bill (S. 1082), and which has been amended, may be reprinted as amended, so that the Senate can have the opportunity of having the document in amended form to examine.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. UNDERWOOD. I want the substitute reprinted as perfected by the Senate amendments.

Mr. THOMPSON. Mr. President, may I ask the Senator from Alabama whether this print will contain the original Sheppard bill as amended?

Mr. UNDERWOOD. Yes; it will contain everything.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

H. R. 19119. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

LANDS IN OKLAHOMA.

Mr. OWEN. Mr. President, I ask unanimous consent to disposed of House joint resolution 306, relative to certain lands in Oklahoma, which was brought up the other afternoon, and which I think would have been passed if the report of the Committee on Indian Affairs had been at that time read.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 306) authorizing the Secretary of the Interior to extend the time for the payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma.

Mr. POINDEXTER. Mr. President, I ask to have the joint resolution read.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized to extend the time for payment of the final installment due on the purchase of tracts of the surface of the segregated coal and asphalt land area belonging to the Choctaw and Chickasaw Tribes, sold under the act of Congress approved February 19, 1912 (37 Stat. L., p. 67), to four years after the sale was made instead of two years, as provided in section 5 of the said act: Provided, That the accrued interest on all installments to date when due and the principal of the second installment, if due, shall be paid before an extension as herein provided may be granted: And provided further, That in all other respects the provisions of existing law shall apply to these purchases.

Mr. CLARK. Mr. President, is there a report accompanying this joint resolution?

Mr. OWEN. There is a report upon it by the Secretary of the Interior.

Mr. CLARK. I mean, is there a report from the Committee on Indian Affairs on the joint resolution?

Mr. OWEN. Yes; and the report of the Secretary of the Interior, to which I referred, is embodied in the report of the committee.

Mr. CLARK. I should like to have the report read.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary proceeded to read the report.

Mr. CLARK. Mr. President, so far as I am concerned, the report need not further be read. The report which I hold in my hand is a report upon the House joint resolution, which is, as I understand, identical with the Senate joint resolution on the same subject.

Mr. OWEN. Yes.

Mr. CLARK. I should be glad, however, to have the report printed in full in the RECORD in connection with the joint resolution.

Mr. OWEN. I should also be glad to have the report printed in the RECORD.

The PRESIDENT pro tempore. Without objection, that will be done.

The report referred to is as follows:

DEFERRED INSTALLMENTS ON COAL AND ASPHALT LANDS.

Mr. ASHURST, from the Committee on Indian Affairs, submitted the following report:

The Committee on Indian Affairs, to whom was referred the joint resolution (H. J. Res. 306) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma, having carefully considered the same, reports the resolution back without amendment and recommends that the same be enacted into law.

The act of February 19, 1912, providing for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes of Indians, contains the following provision:

"SEC. 5. That the sales herein provided for shall be at public auction under rules and regulations and upon terms to be prescribed by the Secretary of the Interior, except that no payment shall be deferred longer than two years after the sale is made. All agricultural lands shall be sold in tracts not to exceed 160 acres, and deeds shall not be issued to any one person for more than 160 acres of agricultural land, grazing lands in tracts not to exceed 640 acres, and lands especially valuable by reason of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be sold in lots or tracts containing not less than 1 acre each. All deferred payments shall bear interest at 5 per cent per annum, and if default be made in any payment when due all rights of the purchaser thereunder shall, at the discretion of the Secretary of the Interior, cease and the lands shall be taken possession of by him for the benefit of the two nations, and the money paid as the purchase price of such lands shall be forfeited to the Choctaw and Chickasaw Tribes of Indians."

Pending congressional action on this resolution, the Secretary of the Interior has declared no forfeitures. The following letter of the Secretary explains the purpose of the resolution, as well as shows the favorable attitude of the department toward the relief sought:

DEPARTMENT OF THE INTERIOR,

Washington, December 11, 1916.

MY DEAR MR. STEPHENS: I am in receipt of your letter of December 9, 1916, transmitting therewith a printed copy of H. J. Res. 306, introduced in the House of Representatives on December 4, 1916, by Mr. CARTER of Oklahoma and entitled:

"Joint resolution authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma."

H. J. Res. 306 is identical in language with S. J. Res. 178, introduced in the Senate on December 5, 1916, by Mr. OWEN, of Oklahoma.

I am in favor of the joint resolution being enacted into law. Section 5 of the act of Congress of February 19, 1912 (37 Stat. L., 67-69), pursuant to which the sales of tracts of the surface of the segregated coal and asphalt land area, Choctaw Nation, Okla., were made, expressly provided that "no payment shall be deferred longer than two years after the sale is made."

This resolution proposes to extend the time four years after the sale was made, instead of two years as above provided, which will extend the time for payment two years longer than under existing law.

The first sale of the surface of the segregated coal and asphalt land classified as agricultural and grazing land was held from November 16 to December 2, 1914, and the first sale of such portion of the surface as was classified as suitable for town-site purposes was held from January 5 to 31, 1916.

Upon petition of purchasers and recommendations of the chief executives of the Choctaw and Chickasaw Tribes, the department on September 30, 1915, extended the time for all deferred payments on the unallotted land, timberland, and surface of the segregated coal and asphalt land, Choctaw and Chickasaw Nations, due November and December, 1915, and January and February, 1916, one year on payment of interest on balance of unpaid purchase price, said extension to become effective only upon payment of interest.

To the surprise of many purchasers this extension had the effect of making the second installment due on the purchase price of tracts of the surface of the segregated coal and asphalt land area fall due at the same time that the third and last installment fell due, thus adding a double burden where the second and third installments fell due in November and December, 1916, and January and February, 1917.

It is now proposed to defer the payment of the third and last installment due on the purchase price of tracts of the surface of the segregated coal and asphalt land area, Choctaw Nation, Oklahoma, provided that purchasers pay the full amount of the principal of the second installment, which was extended one year and is now due, together with all accrued interest on both the second and third installments to date when due, before an extension of time will be granted for payment of the last installment.

This extension will not work a hardship on the Choctaw and Chickasaw Tribes, because the deferred payments under the law draw 5 per cent interest per annum from date of sale, which is a larger rate of interest than the majority of the State and National banks of Oklahoma are now paying on time deposits of Choctaw and Chickasaw tribal funds.

The Choctaw Tribe on December 1, 1916, had to its credit an approximate available balance of \$3,062,502.18, while on same date the Chickasaw Tribe had to its credit an approximate available balance of \$1,042,798.24, making a total of \$4,105,300.42 to the credit of the Choctaw and Chickasaw Tribes, to which is to be added the proceeds of the recent sale of Choctaw and Chickasaw tribal lands held from October 4 to 31, 1916, inclusive, which brought, according to the report of the Superintendent for the Five Civilized Tribes, under date of December 4, 1916, a total sum of \$1,782,723.17, and when fully paid in will make available for the needs of the Choctaw and Chickasaw Tribes the total sum of \$5,888,023.59.

With these funds in view I do not believe that an extension of two years of the time for payment, as provided in the resolution, will inconvenience the Choctaw and Chickasaw Tribes, and should be granted.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. JOHN H. STEPHENS,
*Chairman Committee on Indian Affairs,
House of Representatives.*

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. OWEN. I ask that Senate joint resolution (S. J. Res. 178) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma be postponed indefinitely.

The PRESIDENT pro tempore. The joint resolution will be postponed indefinitely.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. TOWNSEND. Mr. President, is the morning business closed?

The PRESIDENT pro tempore. Morning business has been concluded.

Mr. NEWLANDS. Mr. President—

Mr. TOWNSEND. I move to take up Senate bill 392, which is known as the Civil War volunteer officers' retired list bill.

Mr. WALSH. Mr. President—

The PRESIDENT pro tempore. The Senator from Montana. Mr. WALSH. I rise to inquire of the Presiding Officer what the order of business ordinarily would be at this time?

The PRESIDENT pro tempore. The calendar.

Mr. WALSH. I do not know of any reason why we should not proceed to the consideration of the calendar at sometime.

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. NEWLANDS. I gave notice yesterday that I should this morning move that the Senate go into executive session. I have not been disposed to make that motion so long as there were small matters to be brought to the attention of the Senate which could be disposed of by unanimous consent.

Mr. GALLINGER. Mr. President, I make the point of order that the motion of the Senator from Michigan [Mr. TOWNSEND] is not debatable.

Mr. NEWLANDS. I move, as a substitute for that motion, that the Senate now go into executive session.

Mr. GALLINGER. The Senator can not properly do that.

Mr. SMITH of Georgia. The motion of the Senator from Nevada takes precedence.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of executive business under Rule XXII.

The PRESIDENT pro tempore. The Chair thinks that the motion of the Senator from Nevada takes precedence of the motion of the Senator from Michigan, and is a privileged question.

Mr. TOWNSEND. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. THOMAS. Mr. President, I make a parliamentary inquiry. Upon what are we to vote?

The PRESIDENT pro tempore. The roll is being called upon the motion of the Senator from Nevada [Mr. NEWLANDS] to proceed to the consideration of executive business.

The Secretary resumed the calling of the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He is not present, and I therefore withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent. For that reason I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. OVERMAN (when his name was called). I beg to announce—and I ask that this announcement stand for the day—that I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). The Chair transfers his general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Arkansas [Mr. KIRBY] and votes "yea."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I desire to announce that my colleague [Mr. SIMMONS] is absent unavoidably, being detained at home. He has a pair with the Senator from Minnesota [Mr. CLAPP].

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). I rise to announce that my colleague [Mr. SMITH of Arizona] is absent from the Senate because of serious illness in his family.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I therefore withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Colorado [Mr. SHAFROTH] and vote "nay."

Mr. WEEKS (when his name was called). I inquire if the senior Senator from Kentucky [Mr. JAMES] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. WEEKS. I have a general pair with that Senator and therefore withhold my vote.

The roll call was concluded.

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. CHAMBERLAIN. I am advised that if my pair, the Senator from Pennsylvania [Mr. OLIVER], were present, he would vote "nay." I therefore vote "nay."

Mr. BECKHAM (after having voted in the affirmative). I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Tennessee [Mr. LEA] and will let my vote stand.

I wish also to announce the unavoidable absence of my colleague [Mr. JAMES]. He has, as already announced, a general pair with the Senator from Massachusetts [Mr. WEEKS].

Mr. OWEN. I should like to inquire if the Senator from New Mexico [Mr. CATRON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. OWEN. Then I withhold my vote, having a pair with that Senator.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

Mr. WILLIAMS (after having voted in the affirmative). By inadvertence I voted. I learn that the Senator from Pennsylvania [Mr. PENROSE], with whom I have a pair, has not voted. I now transfer that pair to the Senator from Arizona [Mr. SMITH] and will let my vote stand.

Mr. CHILTON (after having voted in the negative). I voted inadvertently. The Senator from New Mexico [Mr. FALL], with whom I have a pair is not present. I transfer that pair to the Senator from Wisconsin [Mr. HUSTING] and will let my vote stand.

I also desire to announce the unavoidable absence of the Senator from South Carolina [Mr. SMITH] on account of illness in his family.

Mr. SMITH of Georgia (after having voted in the affirmative). I notice that the senior Senator from Massachusetts [Mr. LODGE] has not voted. I transfer my pair with him to the junior Senator from Louisiana [Mr. BROUSSARD] and will let my vote stand.

Mr. GRONNA. I have voted in the negative, but I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I understand he is not in the Chamber, and I will have to withdraw my vote.

The result was announced—yeas 24, nays 29, as follows:

YEAS—24.

Beckham	Hughes	Pittman	Stone
Bryan	Lee, Md.	Reed	Swanson
Culberson	Martine, N. J.	Saulsbury	Thomas
Fletcher	Newlands	Sheppard	Underwood
Hardwick	Overman	Shields	Vardaman
Hitchcock	Phelan	Smith, Ga.	Williams

NAYS—29.

Ashurst	Clark	McCumber	Thompson
Bankhead	Cummins	Nelson	Townsend
Borah	Curtis	Norris	Walsh
Brady	Gallinger	Polindexter	Watson
Brandagee	Harding	Pomerene	Works
Chamberlain	Jones	Sherman	
Chilton	Kenyon	Smoot	
Clapp	Lane	Sutherland	

NOT VOTING—43.

Broussard	Husting	McLean	Simmons
Catron	James	Martin, Va.	Smith, Ariz.
Colt	Johnson, Me.	Myers	Smith, Md.
Dillingham	Johnson, S. Dak.	O'Gorman	Smith, Mich.
du Pont	Kern	Oliver	Smith, S. C.
Fall	Kirby	Owen	Sterling
Fernald	La Follette	Page	Tillman
Goff	Lea, Tenn.	Penrose	Wadsworth
Gore	Lewis	Ransdell	Warren
Gronna	Lippitt	Robinson	Weeks
Hollis	Lodge	Shafroth	

So the Senate refused to proceed to the consideration of executive business.

Mr. TOWNSEND. I now insist upon the motion I have made that the Senate proceed to the consideration of Senate bill 392.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Michigan that the Senate proceed to the consideration of Senate bill 392.

Mr. CHILTON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from West Virginia will state it.

Mr. CHILTON. Is it not true that at 2 o'clock Senate bill 392, to which the Senator from Michigan refers, will come up automatically?

Mr. GALLINGER. The motion made by the Senator from Michigan is not debatable.

Mr. CHILTON. I can ask a parliamentary question, can I not?

Mr. GALLINGER. I object to a debate on the motion.

The PRESIDENT pro tempore. The Senator from West Virginia rose to a parliamentary inquiry and asked whether the bill named by the Senator from Michigan was not the unfinished business. The Chair will say that it is. The question is on the motion of the Senator from Michigan that the Senate proceed to the consideration of Senate bill 392.

Mr. SMITH of Georgia. On that I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the senior Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. CHAMBERLAIN (when his name was called). I understand that if my pair, the junior Senator from Pennsylvania [Mr. OLIVER], were present, he would vote "yea." I therefore feel that I am released. I vote "yea."

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer that I made upon the former ballot and vote "nay."

Mr. CLAPP. Making the same announcement that I made a few moments ago with reference to the transfer of my pair, I vote "yea."

Mr. DILLINGHAM (when his name was called). Again announcing my pair with the senior Senator from Maryland [Mr. SMITH], I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. GALLINGER (when his name was called). Making the same transfer as on the former roll call, I vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], who is absent from the Chamber, and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. OVERMAN (when his name was called). Making the same announcement as before, I vote "nay."

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "nay." In this connection I desire to say that I voted on the last roll call without announcing the transfer. I did so inadvertently.

The PRESIDENT pro tempore (when the name of Mr. SAULSBURY was called). Making the same transfer as before, I vote "nay."

Mr. SMITH of Georgia (when his name was called). Making the same transfer that I made a short while ago, I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the junior Senator from Indiana [Mr. WATSON] and vote "yea."

Mr. WADSWORTH (when his name was called). Has the junior Senator from New Hampshire [Mr. HOLLIS] voted?

The PRESIDENT pro tempore. He has not.

Mr. WADSWORTH. Having a pair with that Senator, I withhold my vote.

Mr. WALSH (when his name was called). I make the same transfer of my pair as on the preceding vote and vote "nay."

Mr. WEEKS (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from Idaho [Mr. BORAH] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement that I made upon the last ballot as to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the junior Senator from Pennsylvania [Mr. OLIVER] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILMAN]; and

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 28, nays 24, as follows:

YEAS—28.

Brady	Dillingham	Lane	Smoot
Brandagee	Gallinger	McCumber	Sterling
Chamberlain	Harding	Nelson	Sutherland
Clapp	Hitchcock	Newlands	Thompson
Clark	Jones	Norris	Townsend
Cummins	Kenyon	Polindexter	Weeks
Curtis	Kern	Sherman	Works

NAYS—24.

Ashurst	Hardwick	Reed	Swanson
Beckham	Hughes	Saulsbury	Thomas
Bryan	Lee, Md.	Sheppard	Underwood
Chilton	Overman	Shields	Vardaman
Culberson	Phelan	Smith, Ga.	Walsh
Fletcher	Pittman	Stone	Williams

NOT VOTING—44.

Bankhead	Hollis	McLean	Robinson
Borah	Husting	Martin, Va.	Shafroth
Broussard	James	Martine, N. J.	Simmons
Catron	Johnson, Me.	Myers	Smith, Ariz.
Colt	Johnson, S. Dak.	O'Gorman	Smith, Md.
du Pont	Kern	Oliver	Smith, Mich.
Fall	Kirby	Owen	Smith, S. C.
Fernald	La Follette	Page	Tillman
Goff	Lea, Tenn.	Penrose	Wadsworth
Gore	Lewis	Pomerene	Warren
Gronna	Lippitt	Ransdell	Watson
	Lodge		

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer offi-

cens' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

The Secretary proceeded to read the bill.

During the reading,

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Has this bill never been read before?

The PRESIDENT pro tempore. It has not been read at this session.

Mr. BRANDEGEE. Was the reading demanded?

The PRESIDENT pro tempore. It has not been demanded. The Secretary proceeded with the reading on taking up the bill.

Mr. BRANDEGEE. I have no objection; but if it has been read I did not know but that we would save some time by dispensing with the reading.

The PRESIDENT pro tempore. It has not been read at this Congress, the Chair is informed.

Mr. BRANDEGEE. Very well.

The Secretary resumed and concluded the reading of the bill, which in full is as follows:

Be it enacted, etc., That in recognition of meritorious service rendered to the Government of the United States in the Civil War for the preservation of the Union, there is hereby created in the War Department and Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving officer of Volunteers who served as an officer in the Army, Navy, or Marine Corps of the United States in the Civil War and was honorably discharged from service by muster out, resignation, or otherwise, shall be entered on said list as of the highest rank held by him during said service. Each surviving officer so entered on said list shall have served in said Army, Navy, or Marine Corps in said war not less than six months, shall not have been retired with continuing retired pay, and shall not belong to the United States Army, Navy, or Marine Corps: *Provided*, That a surviving officer who lost an eye, an arm, or a leg in the line of duty, or who was honorably discharged from service for disability because of a wound or other bodily injury received or incurred in the line of duty, or because of disability incurred in the line of duty while a prisoner of war, shall, if otherwise eligible under the terms hereof, be entitled to be placed on said list and to receive the maximum retired pay herein provided for officers of his former rank, without regard to the length of his said service: *Provided further*, That in computing the length of service of any surviving officer for the purposes of this act there shall be included, in addition to his service as an officer of any rank, all such service as he shall have rendered in said war as an enlisted man or as an appointed petty officer. Applications for entry on said Civil War volunteer officers' retired list shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks shall be furnished for said purpose upon request made to the proper department by surviving officers claiming the benefits of this act. A certificate of service, and of enrollment under this act, properly prepared in the War Department and Navy Department, respectively, shall be furnished to each surviving officer whose name shall be entered on said list.

Surviving officers who served as officers in the Regular Army, Navy, or Marine Corps of the United States during the Civil War, and who were honorably discharged from service for disability, and have not been reinstated in said service nor retired with continuing retired pay, shall, upon application duly made, be entered on said list and receive the same retired pay and other benefits, according to former rank and service, that are herein provided for surviving volunteer officers.

Subject to the maximum limitation of retired pay hereinafter contained, each surviving officer whose name shall have been duly entered on said list, who shall have served as aforesaid in the Civil War a term or terms aggregating two years or more, shall receive, out of any money in the Treasury not otherwise appropriated, retired pay according to his former highest rank and former branch of service as entered on said list, which retired pay shall be equal to one-half of the initial active pay now received by officers of like or equivalent rank in the United States Army, Navy, or Marine Corps, respectively; and each surviving officer whose name shall have been duly entered on said list who shall have served as aforesaid in the Civil War a term or terms aggregating less than two years, but not less than six months, shall receive, out of any money in the Treasury not otherwise appropriated, retired pay, each according to his former rank and aggregate term of service, the amount thereof bearing such proportion to the retired pay herein granted to officers of the same rank for two years' service as the aggregate term of service bears to said term of two years. The retired pay provided for by this act shall begin upon the date of the passage of this act and continue during the natural life of the beneficiary; it shall be payable quarterly, and shall not exceed, in the case of any surviving officer, three-fourths of the initial active pay now received by a captain in the United States Army.

Each surviving officer who shall receive retired pay under this act shall thereby relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment of such pension made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment or payments under this act. The retired pay allowed under this act shall not be subject or liable to any attachment, levy, lien, or detention under any process whatsoever; and persons whose names are placed upon said list shall not constitute any part of the United States Army, Navy, or Marine Corps.

Mr. STONE. Mr. President, is there a report accompanying this bill?

The PRESIDENT pro tempore. The committee reports two amendments.

Mr. STONE. Is there a printed report?

The PRESIDENT pro tempore. There is a printed report. Mr. STONE. I think it ought to be read.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read the report (No. 307) submitted by Mr. CHAMBERLAIN March 27, 1916, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon, with retired pay, certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, reports the same to the Senate with amendments, and as thus amended the committee recommend that the bill do pass.

The amendments proposed by your committee are as follows:

On line 13, page 2, after the word "service" strike out the words "for disability" and insert in lieu thereof the following: "By muster out, resignation, or otherwise."

On line 14, page 3, after the word "service" strike out the words "for disability" and insert in lieu thereof the following: "By muster out, resignation, or otherwise."

The following statements of facts are confidently presented to the Senate as conclusive reasons to justify the passage of this bill:

[Act of May 25, 1861. Act of July 22, 1861. Approved July 22, 1861.]

"SEC. 5. *And be it further enacted*, That the officers, noncommissioned officers, and privates, organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army.

"SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the Regular service." (Approved July 22, 1861.)

July 22, 1861, act places Volunteers and Regulars, as to pay and allowances, in all respects on equal footing. On those and other Government promises the Union forces were enlisted and mustered, served the cause, and were retired by discharge for wounds or disability or close of term of service or end of war, 1866, and that promised equality should now be fulfilled in whole or part as called for in S. 392 and H. R. 386, referred to.

SOME FACTS PERTINENT TO THESE CLAIMS:

1. The full retired pay granted for life to all survivors of the Revolutionary, 1812, and Indian Wars, in accordance with rank. (U. S. Stat. L., vol. 4, pp. 269, 270, 529, 530.)

2. The present extra grade and extra pay granted to all Regulars with Civil War volunteer service regardless of term of such service or its nature.

3. The acts of Congress March 3, 1905, nearly 40 years after the close of the Civil War, giving retirement and retired pay to Gen. Hawley and Gen. Osterhaus as brigadier generals, for Civil War service as volunteers. The granting of more than enlisted men's pay to all such surviving Volunteers by pension act of May 11, 1912.

The legislatures of States representing 50,000,000 of people and all Loyal Legion commanderies have approved the Volunteer retired list measure.

Without commissioned officers to guide, direct, and care for the more than 2,000,000 men of the Army and Navy in 1861 to 1866, the preservation of the Union could not have been accomplished.

The fact that a majority of the Members of both Houses of Congress have on individual canvass approved the measure, with a cost to the Government of less than \$4,000,000 first year.

Justice delayed for 50 years calls for this legislation. There are not over 7,000 survivors; average age, 78.

The fact that 95 per cent of the officers of the Union forces were Volunteers, from civil life, and promoted from the ranks, but have received no recognition as officers by any general legislation. That 90 per cent of these preservers of the Nation have died without the honor and benefit to which they were entitled by acts of Congress.

All nations of the world have given especial honors to their warrior officers, always recognizing by pay and distinction—estates, titles, and large money grants—their claim to superior consideration.

THE FUTURE OFFICER MUST BE ASSURED THAT TO HIM THE GOVERNMENT'S PROMISE WILL PROVE TO BE AS GOOD AS GOLD.

Gen. SHERWOOD, of the House of Representatives, well said every country in the world recognizes the difference between the officer and the private. We do that. We retire our Regular Army officers at the age of 64 years. Not 5 per cent of these officers ever saw any battle service. There is never any question raised as to cost. Now, here is a body of men whose average age is about 80 years, every one of whom has seen service, and hard service. The question is, Shall we recognize merit and service?

The Senate is reminded that a bill very similar to this, entitled "A bill for the relief of the surviving officers of the Revolution," was before the Senate and debated on the 25th of April, 1828, which passed and became a law. The immortal Webster, then a Senator from Massachusetts, spoke in favor of that bill:

"This bill is intended for those who, being in the Army in October, 1780, then received a solemn promise of half pay for life, on condition that they would continue to serve through the war. Their ground of merit, in that whensoever they joined the Army, being thus solicited by their country to remain in it, they at once went for the whole war; they fastened their fortunes to the standards which they bore, and resolved to continue their military service until it should terminate either in their country's success or in their own death. This is their merit and the ground of their claim.

"The militia who fought at Concord, Lexington, at Bunker Hill, have been alluded to in the course of this debate in terms of well-deserved praise. Be assured, sir, there could with difficulty be found a man who drew his sword or carried his musket at Concord or Lexington or Bunker Hill who would wish you to reject this bill. They might ask you to do more, but never to refrain from doing this. Would to God they were assembled here and had the fate of the bill in their own hands! Would to God the question of its passage were to be put to them! They would affirm it with a unity of acclamation that would rend the roof of the Capitol.

"The objects, then, sir, of the proposed bounty are most worthy and deserving objects. The services which they rendered were in the highest degree useful and important. The country to which they rendered them is great and prosperous. They have lived to see it glorious; let them not live to see it unkind. For me, I can give them but my vote and my prayers, and I give them both with my whole heart."

These words, coming from the lips of Mr. Webster, ought to impress every Senator that this is no new theory on the part of the Congress to recognize the obligation resting upon Congress to keep the pledges made by its predecessors.

This action on the part of Congress is not one of almsgiving. All nations of the world have given especial honors to their warrior officers, always recognizing by pay and distinguished recognition, or large money grants, their claim to superior consideration.

Senator H. M. Teller, of Colorado, on June 13, 1906, presented a memorial favoring this legislation, as follows:

"In considering the claims of the petitioners to the considerate action of Congress, the value of their services must be judged of by the magnitude and importance of the issues involved in the Civil War and the results accomplished.

"In respect to the interests of the whole race of mankind, the preservation of the Union was the most important political event in the tide of time.

"The victory of the Union Army kept in the political firmament of the world, as a beacon light, the republican principle of self-government.

"Not only the repose, the progress, and the prosperity, but the very existence of the United States as a Nation was involved in the tremendous struggle.

"The people of the United States owe their present marvelous prosperity, their peace at home, and their influence abroad to the fact that the Union was preserved by the patriotism, valor, and fortitude of the Volunteers.

"It is a well-established historical fact that officers of the Volunteers commanding troops in the field performed their duties with equal ability, zeal, and courage, and encountered the same hazards as did officers of similar rank of the Regular Army. Upon an examination of the records of these surviving generals it will be found that they all had long service and that the great majority of them entered the service in 1861 and remained therein until the close of the war in 1865."

In view of all of these facts it seems clear that justice and fair dealing require that in respect to services in said war the rights of Volunteer officers to honors and emoluments should have been equal to those of the Regular Army. This was not done. The appeal of these veteran Volunteer officers is not a call for charity. They simply point to the record and request the Government to render equity to men who believe they have earned, and thus far failed to receive, equity.

The present request for the proposed legislation is based on this fivefold sanction:

(1) The general merits of the case, including the magnitude, results, and value of the service rendered, national expediency, and patriotic gratitude.

(2) The pledges given by Congress and President Lincoln at the opening of the Civil War to the several States and to the Volunteers furnished by them.

(3) The action and policy of the Government since the war in extending to practically all surviving officers of the Regular Army and Navy special rewards exclusively for Civil War service, which, contrary to the pledges referred to, have thus far been withheld from surviving volunteer officers.

(4) The commanding precedent furnished by the United States Government in 1828 and 1832 in granting to the aged surviving officers of the Revolutionary Army full pay, limited to that of a captain, during the remainder of life.

(5) Present public sentiment in the Nation, as shown, among other proofs, by the unanimous action of the legislatures of 13 States, speaking for nearly 50,000,000 of our people, recommending the enactment of such a measure.

Mr. STONE. Mr. President, the rather long and impressive document just read to the Senate has been listened to by not more than 10 or 12 Senators. That document contains the argument presented by the committee reporting the bill in favor of the passage of the bill, an important measure, important for one reason, because it involves the expenditure of millions of dollars. I do not think this measure should proceed further without the presence of a quorum, and I make the point that there is no quorum present.

The PRESIDENT pro tempore. The absence of a quorum is suggested by the Senator from Missouri. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Nelson	Sterling
Bankhead	Gallinger	Newlands	Stone
Beckham	Gore	Norris	Sutherland
Borah	Gronna	Phelan	Thomas
Brady	Harding	Pittman	Thompson
Brandeggee	Hitchcock	Poinexter	Townsend
Chamberlain	Jones	Pomerene	Underwood
Chilton	Kenyon	Saulsbury	Vardaman
Clapp	Kern	Sheppard	Wadsworth
Clark	Lane	Sherman	Walsh
Cummins	McCumber	Shields	Works
Curtis	Martine, N. J.	Smoot	

Mr. CURTIS. I have been requested to announce that the Senator from Vermont [Mr. DILLINGHAM] has been called out of the city to attend a funeral. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names. There is not a quorum present.

Mr. TOWNSEND. I ask that the names of the absentees may be called.

The PRESIDENT pro tempore. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absentees, and Mr. REED answered to his name when called.

Mr. CHILTON. The Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family.

Mr. OVERMAN and Mr. LEE of Maryland entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. There is a quorum present.

Mr. WALSH. Mr. President, I inquire if it be in order at this time to move to take up the calendar, according to the rule?

The PRESIDENT pro tempore. The Senate has taken up, on the motion of the Senator from Michigan, Senate bill 392. It has made an order in that respect, thereby displacing the calendar.

Mr. WALSH. But I have an impression that the Senate could change its mind at any time.

The PRESIDENT pro tempore. It undoubtedly can by a reconsideration or motion to take up another bill.

Mr. WALSH. If that be the case, I inquire whether it would be in order to move to take up another bill?

The PRESIDENT pro tempore. The Chair thinks it would be.

Mr. WALSH. I move that the Senate proceed to the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Montana to proceed to the consideration of the bill named by him.

Mr. BRANDEGEE. Let us have the yeas and nays on that motion, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Announcing the same transfer of my pair as previously, I vote "yea."

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer as on former votes to-day and vote "yea."

Mr. CLAPP (when his name was called). Making the same announcement in relation to my pair and its transfer as on the previous vote, I vote "nay."

Mr. GALLINGER (when his name was called). Announcing the same transfer of my pair as heretofore, I vote "nay."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. As I understand, if present he would vote as I shall vote. I therefore take the liberty of voting. I vote "nay."

Mr. REED (when his name was called). Making the same transfer as on the last vote, I vote "yea."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). The Chair makes the same announcement of the transfer of his pair as heretofore and votes "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Indiana [Mr. WATSON] and vote "nay."

Mr. THOMAS (when his name was called). My pair being absent, I withhold my vote, but I ask to be counted for a quorum.

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He appears to be absent, and so I withhold my vote. I desire, however, to be counted as present for a quorum.

Mr. WADSWORTH (when his name was called). May I inquire whether the junior Senator from New Hampshire [Mr. HOLLIS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WADSWORTH. I transfer my pair with the junior Senator from New Hampshire [Mr. HOLLIS] to the Senator from Idaho [Mr. BORAH] and vote "nay."

Mr. WALSH (when his name was called). I make the same transfer of my pair as on the preceding vote and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

Mr. OVERMAN. Announcing my pair and its transfer as previously, I vote "yea."

Mr. UNDERWOOD. I transfer my general pair to the senior Senator from Louisiana [Mr. RANDELL] and vote "yea."

Mr. CHAMBERLAIN. I am paired with the junior Senator from Pennsylvania [Mr. OLIVER], but I understand that, if present, he would vote as I am about to vote. I therefore feel released and vote "nay."

Mr. CURTIS (after having voted in the negative). I desire to know if the junior Senator from Georgia [Mr. HARDWICK] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CURTIS. I transfer my general pair with that Senator to the junior Senator from Pennsylvania [Mr. OLIVER] and will let my vote stand.

Mr. KERN. I have been requested to announce the necessary absence of the junior Senator from Maryland [Mr. LEE] on account of official business.

Mr. WATSON. I understand that there was a transfer of pairs made covering me while I was temporarily absent. I desire, however, to be called in order to vote "present."

The Secretary called the name of Mr. WATSON, and he voted "Present."

The roll call resulted as follows:

YEAS—17.			
Ashurst	Hughes	Reed	Walsh
Beckham	Overman	Sheppard	Williams
Bryan	Owen	Shields	
Chilton	Phelan	Stone	
Gore	Pittman	Underwood	
NAYS—29.			
Brady	Gallinger	Nelson	Sutherland
Brandeggee	Gronna	Newlands	Thompson
Chamberlain	Harding	Norris	Townsend
Clapp	Hitchcock	Poindexter	Wadsworth
Clark	Jones	Saulsbury	Weeks
Cummins	Kenyon	Sherman	
Curtis	Kern	Smoot	
Fletcher	Lane	Sterling	
NOT VOTING—50.			
Bankhead	Husting	Martin, Va.	Smith, Ga.
Borah	James	Martine, N. J.	Smith, Md.
Broussard	Johnson, Me.	Myers	Smith, Mich.
Catron	Johnson, S. Dak.	O'Gorman	Smith, S. C.
Colt	Kirby	Oliver	Swanson
Culberson	La Follette	Page	Thomas
Dillingham	Lea, Tenn.	Penrose	Tillman
du Pont	Lee, Md.	Pomerene	Vardaman
Fall	Lewis	Ransdell	Warren
Fernald	Lippitt	Robinson	Watson
Goff	Lodge	Shafroth	Weeks
Hardwick	McCumber	Simmons	
Hollis	McLean	Smith, Ariz.	

The PRESIDENT pro tempore. On the motion of the Senator from Montana [Mr. WALSH], the yeas are 17 and the nays are 29. The two Senators who have requested to be counted to make a quorum would not be sufficient to make a quorum. There is no quorum voting.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. NELSON. Mr. President, I think that at least three Senators were present who did not vote. The Senator from Colorado [Mr. THOMAS] said that he was paired, which indicates that he was present, and there were, I think, two other Senators present and not voting, making three at least who should be counted as present to make a quorum.

The PRESIDENT pro tempore. The Chair will state to the Senator from Minnesota that he noted the presence of the Senator from Colorado [Mr. THOMAS], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Indiana [Mr. WATSON]. Subsequently the Senator from Alabama voted, leaving only two to be counted, which does not make a quorum.

Mr. VARDAMAN. I desire to be marked "present." I was in the Chamber, but did not hear my name called.

The PRESIDENT pro tempore. The announcement has been made, and the Secretary has been instructed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Owen	Thomas
Beckham	Gore	Phelan	Townsend
Borah	Gronna	Pittman	Underwood
Brandeggee	Harding	Poindexter	Vardaman
Bryan	Jones	Saulsbury	Wadsworth
Chamberlain	Kenyon	Sheppard	Watson
Chilton	Kern	Sherman	Williams
Clapp	McCumber	Shields	Weeks
Clark	Nelson	Smoot	
Cummins	Newlands	Stone	
Curtis	Norris	Sutherland	

The PRESIDENT pro tempore. Forty-one Senators have answered to their names. There is not a quorum present.

Mr. TOWNSEND. Mr. President, I ask that the names of the absentees be called.

The PRESIDENT pro tempore. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. POMERENE, Mr. STERLING, and Mr. WALSH answered to their names when called.

Mr. HITCHCOCK, Mr. LANE, and Mr. THOMAS entered the Chamber and answered to their names.

Mr. CHILTON. I wish to announce again that the junior Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. There is not a quorum present.

Mr. TOWNSEND. Mr. President, I ask that the Sergeant at Arms be directed to request the presence of the absent Senators.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Michigan.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms is directed to request the presence of absent Senators.

Mr. DU PONT, Mr. BRADY, and Mr. WEEKS entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. There is a quorum present. The Secretary will call the roll on the motion of the Senator from Montana [Mr. WALSH].

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer as heretofore and vote "yea."

Mr. CLAPP (when his name was called). Making the same announcement that I formerly made with reference to the transfer of my pair, and letting that announcement stand for the day, I vote "nay."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], but I am informed that upon this question he would vote as I shall vote. I therefore vote "nay."

Mr. WADSWORTH (when his name was called). Making the same announcement that I made before with respect to a transfer, I vote "nay."

Mr. WALSH (when his name was called). I make the same announcement as on the preceding vote, and vote "yea." I inquire whether I am recorded as present on the last quorum call?

Mr. GALLINGER. Let the call be completed, Mr. President. The PRESIDENT pro tempore. The Chair does not think the inquiry can be entertained at the present time.

Mr. WEEKS (when his name was called). I transfer my general pair with the senior Senator from Kentucky [Mr. JAMES] to the junior Senator from Indiana [Mr. WATSON] and vote "nay."

The roll call was concluded.

Mr. GALLINGER. Making the same announcement as on previous votes, I vote "nay."

Mr. SMITH of Georgia. I have already voted. I renew my announcement of the transfer of my pair to the junior Senator from Louisiana [Mr. BROUSSARD].

Mr. OWEN. I transfer my pair with the junior Senator from New Mexico [Mr. CATRON] to the junior Senator from Maryland [Mr. LEE] and vote "yea."

Mr. HARDWICK. I have a general pair with the junior Senator from Kansas [Mr. CURTIS]. Observing that he is not present, I transfer that pair to the junior Senator from California [Mr. PHELAN] and vote "yea."

The roll call resulted—yeas 13, nays 21, as follows:

YEAS—13.			
Bryan	Hughes	Smith, Ga.	Walsh
Chilton	Owen	Stone	
Gore	Sheppard	Thomas	
Hardwick	Shields	Vardaman	
NAYS—21.			
Brandeggee	Gronna	Norris	Townsend
Chamberlain	Harding	Poindexter	Wadsworth
Clapp	Jones	Saulsbury	Weeks
Clark	Lane	Sherman	
Cummins	McCumber	Smoot	
Gallinger	Martine, N. J.	Sutherland	
NOT VOTING—62.			
Ashurst	Curtis	Husting	Lee, Md.
Bankhead	Dillingham	James	Lewis
Beckham	du Pont	Johnson, Me.	Lippitt
Borah	Fall	Johnson, S. Dak.	Lodge
Brady	Fernald	Kenyon	McLean
Broussard	Fletcher	Kern	Martin, Va.
Catron	Goff	Kirby	Myers
Colt	Hitchcock	La Follette	Nelson
Culberson	Hollis	Lea, Tenn.	Newlands

O'Gorman	Pomerene	Smith, Md.	Underwood
Oliver	Ransdell	Smith, Mich.	Warren
Overman	Reed	Smith, S. C.	Watson
Page	Robinson	Sterling	Williams
Penrose	Shafroth	Swanson	Works
Phelan	Simmons	Thompson	
Pittman	Smith, Ariz.	Tillman	

The PRESIDENT pro tempore. On the motion of the Senator from Montana [Mr. WALSH] the yeas are 13, the nays are 21. A quorum is not present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegge	Gore	McCumber	Smoot
Chamberlain	Harding	Nelson	Sterling
Chilton	Hardwick	Norris	Sutherland
Clapp	Hitchcock	Pittman	Thomas
Clark	Hughes	Polindexter	Townsend
Cummins	Jones	Saulsbury	Wadsworth
Curtis	Kenyon	Sheppard	Weeks
Fletcher	Kern	Sherman	
Gallinger	Lane	Smith, Ga.	

The PRESIDENT pro tempore. Thirty-four Senators have answered to their names. There is not a quorum present.

Mr. SMITH of Georgia. Mr. President—

Mr. TOWNSEND. I ask that the names of the absentees be called.

Mr. SMITH of Georgia. Mr. President, I desire to address the Senate upon the bill which is the unfinished business.

Mr. GALLINGER. Mr. President—

Mr. SMITH of Georgia. I understand that I can not now, but I am about to make a motion.

Mr. TOWNSEND. Mr. President, I shall not object to the Senator's making a statement if, after he is through, I may make a statement in reference to the same matter.

Mr. GALLINGER. I object to any debate on either side of the Chamber. Let the roll call be completed.

Mr. SMITH of Georgia. Mr. President, I move that the Senate adjourn.

Mr. GALLINGER. I make the point of order that that can not be done when the calling of the roll has not been completed. The Senator from Michigan asked that the names of the absentees should be called.

The PRESIDENT pro tempore. The Chair thinks that a motion to adjourn is in order.

Mr. GALLINGER. Not during the roll call.

Mr. SMITH of Georgia. There has been a roll call, and it has disclosed the absence of a quorum. The Chair has announced that no quorum is present.

Mr. GALLINGER. It has not been completed. The Senator from Michigan asks that the names of the absentees be called.

Mr. SMITH of Georgia. But that has not been done.

Mr. GALLINGER. It is a part of the roll call, always.

The PRESIDENT pro tempore. The Chair will decide that the calling of the absentees had not been ordered, although asked for, and that a motion to adjourn is in order. The question is on the motion of the Senator from Georgia that the Senate adjourn.

The motion was rejected.

Mr. GALLINGER. Now, let the names of the absentees be called.

The PRESIDENT pro tempore. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. BRYAN, Mr. CULBERSON, Mr. GRONNA, Mr. OWEN, Mr. REED, Mr. SHIELDS, Mr. THOMPSON, and Mr. VARDAMAN answered to their names when called.

Mr. MARTINE of New Jersey, Mr. WALSH, Mr. WORKS, and Mr. OVERMAN entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. A quorum is not present.

Mr. TOWNSEND. I move that the Sergeant at Arms be directed to request the attendance of the absentees.

The PRESIDENT pro tempore. The Senator from Michigan moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. GORE. Mr. President, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Oklahoma moves that the Senate adjourn.

Mr. HUGHES. I make the point of order that the motion is clearly dilatory, because the Senate has just refused to adjourn and no business has intervened.

The PRESIDENT pro tempore. The Chair thinks that the motion is in order when there is no quorum developed. As at present advised the Chair holds that the motion is in order. The Senator from Oklahoma moves that the Senate do now adjourn.

Mr. GORE. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer that I did on the former ballot and vote "nay."

Mr. GALLINGER (when his name was called). Making the same transfer as on previous votes, I vote "nay."

Mr. GRONNA (when his name was called). Making the same transfer that I did on the former vote, I vote "nay."

Mr. OVERMAN (when his name was called). I am paired, but, as previously announced, my pair has been transferred, and I vote "yea."

Mr. SAULSBURY (when his name was called, Mr. FLETCHER in the chair). Making the same transfer of my pair as before, I vote "yea."

Mr. THOMAS (when his name was called). In the absence of my pair I withhold my vote.

Mr. WADSWORTH (when his name was called). Transferring my pair as on the last roll call, I vote "nay."

Mr. WALSH (when his name was called). I transfer my pair as on the former vote and vote "yea."

Mr. WEEKS (when his name was called). Making the same transfer that I did on the former vote, I vote "nay."

The roll call was concluded.

Mr. STONE (after having voted in the negative). Of course, it does not take a quorum to adjourn; the roll call shows that the number of Senators present is very much short of a quorum, and I wish to change my vote from "nay" to "yea."

The result was announced—yeas 14, nays 33, as follows:

YEAS—14.

Bryan	Overman	Shields	Vardaman
Culbertson	Pittman	Smith, Ga.	Walsh
Gore	Saulsbury	Stone	
Hardwick	Sheppard	Underwood	

NAYS—33.

Bankhead	Fletcher	Lane	Sterling
Brady	Gallinger	Martine, N. J.	Sutherland
Brandegge	Gronna	Nelson	Townsend
Chamberlain	Harding	Norris	Wadsworth
Chilton	Hitchcock	Owen	Weeks
Clapp	Hughes	Polindexter	Works
Clark	Jones	Pomerene	
Cummins	Kenyon	Sherman	
Curtis	Kern	Smoot	

NOT VOTING—49.

Ashurst	James	Myers	Smith, Md.
Beckham	Johnson, Me.	Newlands	Smith, Mich.
Borah	Johnson, S. Dak.	O'Gorman	Smith, S. C.
Broussard	Kirby	Oliver	Swanson
Catron	La Follette	Page	Thomas
Colt	Lea, Tenn.	Penrose	Thompson
Dillingham	Lee, Md.	Phelan	Tillman
du Pont	Lewis	Ransdell	Warren
Fall	Lippitt	Reed	Watson
Fernald	Lodge	Robinson	Williams
Goff	McCumber	Shafroth	
Hollis	McLean	Simmons	
Husting	Martin, Va.	Smith, Ariz.	

Mr. Sharkey, one of the secretaries of the President of the United States, appeared.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). The Senate will receive a message from the President of the United States.

Mr. GALLINGER. No quorum has voted. Let the roll be called. The message can not be received.

The PRESIDING OFFICER. The Chair thinks it is in order to receive a message from the President:

MESSAGE FROM THE PRESIDENT.

RECEPTION OF, WITHOUT A QUORUM.

[49th Cong., 1st sess.; J., p. 1288, Aug. 5, 1886.]

The President pro tempore (Mr. Sherman) decided that less than a quorum could not take a recess. (See Cong. Record, p. 8022.)

At same time decided that less than a quorum could receive a message from the President of the United States, because the rules do not exclude a message from the House of Representatives or the President in absence of a quorum. (J., pp. 1288, 1289; idem., p. 8022.)

That is laid down in Gilfry's Precedents.

Mr. SMOOT. That is where there was no question of a quorum raised. It has now been developed that there is no quorum present, and nothing can be done until a quorum is developed.

Mr. GALLINGER. That is right.

Mr. SMOOT. No business is in order under the rule.

Mr. STONE. I personally would like to ask first whether, and then why, the Senator from Utah objects to receiving a message from the President.

Mr. SMOOT. I have just stated that under the rule of the Senate no business can be done by the Senate until a quorum has been developed. I have no objection to receiving a message from the President at any time when, under the rules of the

Senate, it can rightfully be done. It is not that I have any objection to the message of the President, it is because under the rule no business can be done with the exception of an adjournment until a quorum has been developed.

Mr. STONE. I confess I am not familiar with the exact rule the occupant of the Chair has just read—

Mr. GALLINGER. Will the Chair state the particular precedent?

The PRESIDING OFFICER. It is found in Precedents, Decisions on Points of Order, with Phraseology, in the United States, compiled by Henry H. Gilfry, page 473, under the head of "President's message—reception of, without a quorum."

The ruling was made August 5, 1886.

Mr. GALLINGER. I wish to know the ruling.

The PRESIDING OFFICER. The President pro tempore, Mr. Sherman, decided that "less than a quorum could not take a recess," and "at the same time decided that less than a quorum could receive a message from the President of the United States."

Mr. SMITH of Georgia. The rule itself permits the reception of the message. It only excludes debate and motions, except a motion to adjourn. It does not exclude the reception of a message from the President.

And until a quorum shall be present no debate nor motion, except to adjourn, shall be in order.

It does not deny the right to receive a message from the President.

Mr. SUTHERLAND. Mr. President, I think we have higher authority than the rules of the Senate forbidding the Senate when less than a quorum is present to receive a message from the President. The Constitution itself provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent Members, in such manner and under such penalties as each House may provide.

The Constitution clearly contemplates that when less than a majority are present no business can be transacted except the business which the Constitution itself prescribes. If this is business, and I take it it is, we are powerless to do it.

Mr. HITCHCOCK. It is certainly not business. It would be an absurd proposition to so term the merely ministerial work of the Presiding Officer and the Secretary in receiving a message when it arrives, while the Senate suspends its operations. To call that business seems to me to be a violent stretch of the English language.

Mr. SUTHERLAND. What would the Senator call it?

Mr. HITCHCOCK. It is not business of the Senate. The Senate is not transacting business. The Senate suspends business.

Mr. SUTHERLAND. It is business of the country.

Mr. HITCHCOCK. The Senate suspends business that the President's message may be delivered to the proper officer of the Senate. It is not the transaction of business.

Mr. SUTHERLAND. What would the Senator call it if it is not to be called business?

Mr. HITCHCOCK. It is not to consider it; at the present time the Senate simply suspends operations while the message is delivered to the Presiding Officer.

The PRESIDING OFFICER. This is the only precedent before the Chair, and, so far as the Chair knows, it is the only one. The ruling was held by the President pro tempore, Mr. Sherman:

An appeal was taken, but because of a want of a quorum it was not entertained by the President pro tempore. (Journal, p. 1288; CONGRESSIONAL RECORD, pp. 8022, 8023.)

Same points decided same way and message of the President was read. (Journal, p. 1292; CONGRESSIONAL RECORD, p. 8022.)

That seems to be the only precedent on the subject, and the Chair will receive the message.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, was announced by the Assistant Doorkeeper.

The PRESIDING OFFICER. The Senate will receive it.

Mr. Sharkey said: "The President of the United States directs me to deliver to the Senate a message in writing."

The message was delivered to the Secretary and handed to the Presiding Officer.

Mr. HUGHES. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. SUTHERLAND. Let me inquire what was the action of the Senate with reference to the message?

The PRESIDING OFFICER. The message was received.

Mr. SUTHERLAND. The Senate has taken that action?

The PRESIDING OFFICER. It has received the message.

Mr. SUTHERLAND. Then I understand less than a quorum of the Senate has taken the action which the Chair has indicated.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Michigan [Mr. TOWNSEND] that the Sergeant at Arms be directed to procure the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. GALLINGER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Hampshire will state it.

Mr. GALLINGER. The Senate, not having a quorum, received a message from the President of the United States. Will it be in order, without a quorum, for me to ask to have printed in the CONGRESSIONAL RECORD the biographies of the gentlemen constituting the Shipping Board as it has been reported?

The PRESIDING OFFICER. The Chair thinks that would not be in order.

Mr. SMITH of Georgia. It is generally out of order—

Mr. GALLINGER. I directed my inquiry to the Chair.

The PRESIDING OFFICER. The Chair will say that it would not be in order.

Mr. GALLINGER. The Chair rules that it would not be in order. The Chair is right, undoubtedly.

Mr. STONE. The Chair was right before, and he is right now. The Chair is right in ruling that the Senate—

Mr. GALLINGER. Mr. President, I propounded a parliamentary inquiry and received a reply, but debate is not in order in the absence of a quorum.

The PRESIDING OFFICER. The Chair thinks the point well taken. No debate is in order.

Mr. STONE. That silences me.

Mr. SHEPPARD. Mr. President, I make the point of order that the roll should be called in view of the fact that the last vote showed the absence of a quorum.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken.

Mr. GALLINGER. What was the point of order?

The PRESIDING OFFICER. The point of order was that on the last roll call no quorum was disclosed and that the roll should be called now.

Mr. GALLINGER. Unquestionably.

Mr. SMOOT. For the absentees.

Mr. SHEPPARD. Then I ask that the roll be called.

Mr. CUMMINS. What becomes of the order directing the Sergeant at Arms to bring in the absent Members?

Mr. GALLINGER. It is still operative.

The PRESIDING OFFICER. That is still in effect.

Mr. SMOOT. Before that order was entered the roll was called for absentees, and nothing can be done now until a quorum has been developed.

The PRESIDING OFFICER. Then there was a yea-and-nay vote which disclosed that there was no quorum.

Mr. SMOOT. There was a yea-and-nay vote on adjournment.

The PRESIDING OFFICER. That disclosed that there was no quorum. Now there is no roll to which absent Senators may be added.

Mr. GALLINGER. Let us have a new roll call.

Mr. SHEPPARD. I suggest that the roll be called.

Mr. STONE. Mr. President, I wish to ask the Chair a parliamentary question. I ask whether, when on a call it is disclosed that a quorum is not present and the motion in due course has been made that the Sergeant at Arms be directed to request or, it may be, to enforce the attendance of absent Senators, anything else is in order in the ordinary course of the business of the Senate except to bring in the absent Members? If that be not true, it seems to me that we might go on making one motion after another and bring ourselves into the very entanglement now presented, where a motion is made, a roll call is had upon it, which again discloses that there is no quorum present, and then some other motion is made to bring in absent Senators or to have a roll call for absent Senators. If this is to go on we would pile one thing upon another interminably. The Senate must proceed with some degree of order and system. So it seems to me, as a matter of common sense and, I think, according to the practices of this body, whenever it is disclosed that a quorum is not present and we reach a stage in the proceedings where a motion is made and agreed to that the Sergeant at Arms be directed to bring in the absent Senators by request or by compulsion, as the case may be, the Senate is at a standstill until the Sergeant at Arms has reported.

Mr. GALLINGER. Mr. President—

Mr. SHEPPARD. Regular order, Mr. President.

Mr. GALLINGER. Supposing the Sergeant at Arms does not find absent Senators?

Mr. STONE. Then he can report.

Mr. GALLINGER. Suppose the Sergeant at Arms does not find absent Senators, are we to stay here forever?

Mr. STONE. We can stay here until he reports that they can not be found, and if they can not be found the Senate takes its own course.

Mr. SMITH of Georgia. Mr. President, I can not recall any precedents since I have been in the Senate upon the question that is now under consideration. Unquestionably, when the lack of a quorum is disclosed by a vote upon a roll call, a call of the roll for a quorum is necessary; but when we have called for a quorum and that call has failed to disclose a quorum and a motion to adjourn is made, which can be passed upon without a quorum, it does not seem to me good practice to abandon, and I find nothing in the rules that requires us to abandon, the first call for a quorum. On the contrary, the practical way of doing business would be to stand by that call, accept the presence of Senators when they come into the Senate, and complete that original call for a quorum. I do not know what the precedents have been; I do not recall any precedents on the subject; but, if it be true that when we have a roll call to ascertain whether there is a quorum present, and then a motion to adjourn can require, if the lack of a quorum is disclosed by it, starting all over again with the roll call for a quorum, which could at once be followed by a motion for adjournment—those two propositions could keep the Senate in session continuously without the ability to force the presence of a quorum.

Mr. TOWNSEND. Mr. President, we have been proceeding here somewhat out of order. I desire to make a statement to the effect that it seems to me there is a determination to prevent the attendance of a quorum and to prevent the consideration of this bill. This bill could have been passed—

Mr. SMITH of Georgia. I raise the point of order that the Senator from Michigan is out of order. I ask the Chair not to allow the Senator to proceed.

Mr. GALLINGER. I ask unanimous consent that the Senator be allowed to proceed.

Mr. SMITH of Georgia. I object.

Mr. TOWNSEND. I was simply asking for the return of the courtesy in which the Senator indulged, and as to which I did not object.

Mr. SMITH of Georgia. The Senator is mistaken, Mr. President. I was discussing a question of order which was before the Chair and not anything else. I was seeking to induce a ruling that would facilitate the procurement of a quorum.

Mr. TOWNSEND. The Senator from Georgia is not in order. He has been indulging in debate. I propose simply to state something that might facilitate the procedure this afternoon.

Mr. HUGHES. Regular order, Mr. President.

Mr. SMOOT. Mr. President—

Mr. BRANDEGEE. Mr. President, I rise to a question of order. I should like the Chair to enforce the third clause of Rule V, which is found on page 7 of the Manual, which provides that after the Sergeant at Arms has been instructed to compel the attendance of absent Senators "and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order."

The PRESIDING OFFICER. The point of order is well taken. The point of order was raised by the Senator from Texas [Mr. SHEPPARD] that it would be necessary to call the roll, inasmuch as since it had been ascertained that there was no quorum present, a motion had been made to call the names of absent Senators, and still, no quorum developing, a motion was then made to compel the attendance of absent Senators. Then a motion was made to adjourn; and upon that motion the yeas and nays were ordered, when it developed that there was no quorum. The Senator from Texas has raised the point that the only thing to do now is to call the roll for a quorum, and that the summoning of absent Senators to add to the original list disclosed on the first roll call would not be a proper practice. The Chair is rather inclined to that view. It might facilitate matters to begin anew with the roll call in order to ascertain whether a quorum is present, because it may be that Senators who answered on the prior roll call are not now here.

Mr. BRANDEGEE. That is always so.

Mr. GALLINGER. Mr. President, I am not going to violate the rule. What is going to happen here to-day is evident. I ask unanimous consent that the Senator from Michigan [Mr. TOWNSEND] be permitted to make a brief statement. That can be done by unanimous consent.

The PRESIDING OFFICER. Does it bear on the question now before the Senate?

Mr. GALLINGER. It does, so far as the question of adjournment, which is now before the Senate, is concerned.

Mr. STONE. If it is going to be in the nature of debate or criticism or anything of that kind, I object.

Mr. GALLINGER. The Senator had better agree to my request. Then, if the courtesy is abused, he can raise an objection. I do not think, however, it will be abused.

Mr. STONE. I think I will not consent.

Mr. GALLINGER. Very well; then we shall stay here a while.

Mr. CLARK. Mr. President, bearing upon the point upon which the Chair seems about to rule, I should like to submit the question whether or not a ruling such as the Chair indicated would not bar entirely the power of the Senate to call in absent Senators or to compel their attendance, because, while the order is in process of execution, if a motion to adjourn is made, which should disclose the absence of a quorum, another roll call is had, another order made, and then a motion is made to adjourn, it seems to me that we should have a going around and around and around, which would absolutely prohibit, if any Senator so desired, the carrying out of the order for the arrest or the request for the presence of absent Senators. I submit that suggestion for the consideration of the Chair.

Mr. STONE. That is just what I stated awhile ago. I think the Senator from Wyoming is absolutely right.

Mr. BRANDEGEE. On the question of order I want to say very briefly that, as I remember the practice of the Senate, it has been universally as stated by the Senator from Missouri and by the Senator from Wyoming. After the Sergeant at Arms has been instructed to compel the attendance of absent Senators, no more suggestions of the absence of a quorum are in order. The names of those who have been recorded as present, although they were less than a quorum, have stood on the list; and as the Sergeant at Arms produced the absent Senators one by one, the Secretary called their names as they entered the Chamber, and they answered to their names. Whenever a quorum was present the order to the Sergeant at Arms was vacated, and a quorum was established on that roll call.

The PRESIDING OFFICER. That undoubtedly is the case, except in an instance where there has been a yea-and-nay vote taken, and as a result of that yea-and-nay vote it was disclosed that there was no quorum present.

Mr. BRANDEGEE. If the Chair will bear with me one minute upon that point, the suggestion occurs to me that, inasmuch as the only business that a number of Senators less than a quorum can transact, is to adjourn, the fact that that motion may be made and the yeas and nays had upon it, does not suspend the third clause of Rule V. Already there was disclosed the absence of a quorum, and the Senate had directed the Sergeant at Arms to supply the presence of a quorum. The fact that on the only motion that can be made during the absence of a quorum, to wit, the motion to adjourn, a continued lack of a quorum is shown, does not at all change or suspend clause 3 of Rule V, and does not vacate the order to the Sergeant at Arms.

Mr. SMITH of Georgia. If the Chair will allow me to make one other suggestion upon the same point of order, suppose the roll was called which disclosed the lack of a quorum and the motion was made to direct the Sergeant at Arms to notify absent Senators; that a call for a yea-and-nay vote was asked for upon that question, and there was a majority vote for it, but that vote disclosed that there was no quorum the motion would be lost, but then we would have to go back and call the roll for a quorum. Under such conditions we could not proceed at all.

The PRESIDING OFFICER. The Chair will overrule the point of order raised by the Senator from Texas, and proceed—perhaps that is the quickest way—to ascertain if enough Senators have been produced to make a quorum, going back to a former roll call. The suggestion from the Secretary to the effect that there was no roll to which these names might be added raised some doubt in the mind of the Chair.

Mr. GALLINGER. I will ask if the Sergeant at Arms is ready to report under the order of the Senate?

Mr. NEWLANDS, Mr. ASHURST, and Mr. BORAH entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present.

Mr. SMOOT. What is pending before the Senate, Mr. President?

The PRESIDING OFFICER. The motion of the Senator from Montana [Mr. WALSH] to take up House bill 408.

Mr. SMOOT. Mr. President, I wish to discuss the question as to whether or not that motion is in order. I call attention to Rule XXII, which provides:

RULE XXII.

PRECEDENCE OF MOTIONS.

When a question is pending, no motion shall be received but—
 To adjourn.
 To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
 To take a recess.
 To proceed to the consideration of executive business.
 To lay on the table.
 To postpone indefinitely.
 To postpone to a day certain.
 To commit.
 To amend.

When a question is pending those are the only motions that can be made under our rules, and they take precedence in the order named. Is it not true, I will ask the Chair, that the question of the consideration of Senate bill 392 was pending before the Senate? If that be the case, the only motions that can be made are as provided under Rule XXII, and a motion to take up another bill from the calendar is not in order.

Mr. SMITH of Georgia. Mr. President, will the Senator let me ask him a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. Does the Senator think that we can not after 2 o'clock displace one measure by taking up another; that that power is not in the hands of the Senate? And will he let me ask him further if it is not true that we have done that over and over again?

Mr. SMOOT. There is no doubt about it.

Mr. SMITH of Georgia. And does not that grow out of the joint application of the rule the Senator has read and Rule IX?

Mr. SMOOT. The Senator means Rule VIII.

Mr. SMITH of Georgia. No; Rule IX, which contains an express provision relative to the matter.

Mr. HUGHES and Mr. TOWNSEND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. SMOOT. I yield to the Senator from Michigan.

Mr. TOWNSEND. As I understand, there is now a quorum present.

Mr. STONE. I make the point of order—

Mr. TOWNSEND. I do not yield to the Senator.

Mr. STONE. I can raise a question of order.

The PRESIDING OFFICER. A point of order is being raised, and that is in order.

Mr. STONE. The Senator from Utah was on the floor, and then—

Mr. GALLINGER. He yielded to the Senator from Michigan.

Mr. STONE. I wish to ask whether the unfinished business has been formally laid before the Senate.

Mr. TOWNSEND. It is before the Senate on motion.

The PRESIDING OFFICER. The unfinished business was taken up this morning on motion and was before the Senate at 2 o'clock. It was not formally laid down at that time. The motion of the Senator from Montana [Mr. WALSH] is the pending motion, and the yeas and nays were ordered on that motion, as the Chair understands.

Mr. STONE. I make the point of no quorum.

Mr. BRANDEGEE. I rise to a point of order, Mr. President, that no business has intervened since the question of a quorum was determined.

Mr. STONE. We have had debate.

Mr. BRANDEGEE. That is not the transaction of business, Mr. President, and it has been so ruled.

Mr. GALLINGER. Not only that, but the absence of a quorum can not be suggested when another Senator has the floor.

Mr. STONE. If the Senator desires to speak, I do not care about that, if that is what he wishes.

Mr. HUGHES and Mr. TOWNSEND addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. HUGHES. I move that the Senate now proceed to the consideration of executive business.

Mr. TOWNSEND. I have not yielded for any such purpose.

Mr. HUGHES. I maintain the Senator has not got the floor. It was yielded to him by the Senator from Utah.

Mr. TOWNSEND. That makes the Senator from Utah lose the floor, if any Senator objects to it.

Mr. HUGHES. I object to the Senator from Utah or any other Senator farming out the floor. In my own right I asked and received recognition; and I move that the Senate proceed to the consideration of executive business.

Mr. TOWNSEND. I insist that that motion is out of order, and that I have the floor.

Mr. STONE. The Senator has not the floor of right.

Mr. KENYON. I make the point of order that the Senator from Missouri has not been recognized by the Chair.

Mr. STONE. Neither has the Senator from Iowa.

The PRESIDING OFFICER. The Chair holds that both Senators are out of order. The pending question is on the motion of the Senator from Montana [Mr. WALSH], and the roll was being called on that question. There is nothing in order but to complete the roll call on the motion of the Senator from Montana to take up House bill 408.

Mr. BRANDEGEE. Regular order!

The PRESIDING OFFICER. That is the question that is pending. The roll was being called on that question, and that is the only thing in order. The Secretary will proceed with the roll call.

The Secretary resumed the calling of the roll.

Mr. GRONNA (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "nay."

Mr. KERN (when the name of Mr. LEE of Maryland was called). I again announce the unavoidable absence of the Senator from Maryland [Mr. LEE] on official business.

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). Making the same announcement as to the transfer of his pair as heretofore, the occupant of the chair votes "yea."

Mr. CHILTON (when the name of Mr. SMITH of South Carolina was called). I make the same announcement as to the Senator from South Carolina [Mr. SMITH] as on the former roll calls.

Mr. STERLING (when his name was called). Transferring my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Indiana [Mr. WATSON], I vote "nay."

Mr. THOMAS (when his name was called). In the absence of my pair I withhold my vote. I ask to be counted for a quorum.

Mr. WALSH. Making the same transfer of my pair as heretofore, I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. Making the same announcement with reference to my pair as heretofore, I vote "nay."

Mr. OVERMAN. Announcing my pair and its transfer as previously, I vote "yea."

Mr. REED. Making the same transfer of my pair as on the last vote, I vote "yea."

Mr. CHILTON. I make the same announcement of my pair as on the previous votes and vote "nay."

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Maryland [Mr. LEE] and vote "yea."

Mr. THOMPSON. I have been requested to announce that the senior Senator from Kentucky [Mr. JAMES] is paired with the junior Senator from Massachusetts [Mr. WEEKS].

Mr. WADSWORTH (after having voted in the negative). When I voted I neglected to announce that I transferred my pair with the Senator from New Hampshire [Mr. HOLLIS] to the senior Senator from California [Mr. WORKS]. I desire, therefore, to have my vote stand.

The yeas and nays resulted—yeas 18, nays 25, as follows:

YEAS—18.			
Ashurst	Gore	Pittman	Smith, Ga.
Bryan	Hardwick	Reed	Underwood
Chilton	Hughes	Saulsbury	Walsh
Culberson	Overman	Sheppard	
Fletcher	Owen	Shields	
NAYS—25.			
Borah	Gallinger	Martine, N. J.	Sutherland
Brandegee	Gronna	Nelson	Thompson
Chamberlain	Harding	Norris	Townsend
Clapp	Hitchcock	Poindexter	Wadsworth
Curtis	Kenyon	Sherman	
	Kern	Smoot	
	Lane	Sterling	
NOT VOTING—53.			
Bankhead	Johnson, Mc.	Newlands	Smith, S. C.
Beckham	Johnson, S. Dak.	O'Gorman	Stone
Brady	Jones	Oliver	Swanson
Broussard	Kirby	Page	Thomas
Catron	La Follette	Penrose	Tillman
Colt	Lee, Tenn.	Phelan	Vardaman
Dillingham	Lee, Md.	Pomerene	Warren
du Pont	Lewis	Ransdell	Watson
Fall	Lippitt	Robinson	Weeks
Fernald	Lodge	Shafroth	Williams
Goff	McCumber	Simmons	Works
Hollis	McLean	Smith, Ariz.	
Husting	Martin, Va.	Smith, Md.	
James	Myers	Smith, Mich.	

The PRESIDENT pro tempore. On the motion of the Senator from Montana [Mr. WALSH] the yeas are 18 and the nays are 25. There is not a quorum of the Senate present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Overman	Stone
Brandegee	Gronna	Owen	Sutherland
Bryan	Harding	Pittman	Thomas
Chamberlain	Hardwick	Poindexter	Thompson
Chilton	Hitchcock	Pomerene	Townsend
Clapp	Kenyon	Saulsbury	Underwood
Clark	Kern	Sheppard	Wadsworth
Culberson	Lane	Sherman	Walsh
Cummins	Martine, N. J.	Smith, Ga.	Williams
Curtis	Nelson	Smoot	
Fletcher	Norris	Sterling	

The PRESIDENT pro tempore. Forty-two Senators have answered to their names. There is not a quorum present.

Mr. TOWNSEND. I ask that the names of the absentees be called.

The PRESIDENT pro tempore. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators.

Mr. BORAH entered the Chamber and answered to his name.

Mr. FLETCHER. I move that the Senate adjourn.

Mr. GALLINGER. Mr. President, the announcement has not been made, as yet, of the result of the roll call.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Florida in a moment. Forty-three Senators have answered to their names. There is not a quorum present.

Mr. FLETCHER. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Florida moves that the Senate adjourn. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. BRANDEGEE. I call for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The yeas have it, and the Senate stands adjourned until the 2d day of January, 1917, at 12 o'clock meridian.

Thereupon (at 3 o'clock and 7 minutes p. m.) the Senate adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Tuesday, January 2, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 22, 1916.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, once more in the onward sweep of time Thou has brought us very near the anniversary of the greatest event in all history; and we praise Thy holy name for the heavenly gift which discloses Thy character and makes the whole world akin. And we pray that the hearts of all men may be brought into harmony, and that right speedily; that they may join in the angelic chorus which has been coming down the ages, Glory to God in the highest, and on earth peace, good will toward men; that Thy kingdom may indeed come and Thy will be done in earth as it is in heaven.

And now, O Heavenly Father, as we pause in the daily routine of life in recognition of the great event, open Thou our hearts to the needs of the unfortunate, the poor, the needy, the "down-and-outs," that our hearts may be filled with gladness and our homes with joy; in the spirit of the Lord Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

NOMINATIONS TO FILL COMMITTEE VACANCIES.

Mr. KITCHIN. Mr. Speaker, I wish to nominate to fill the majority vacancy on the Committee on Naval Affairs the Hon. W. W. VENABLE, and to fill the majority vacancy on the Committee on Mines and Mining the Hon. OTIS WINGO.

The SPEAKER. Are there any other nominations? If not the Clerk will report these nominations.

The Clerk read as follows:

To fill vacancy on Naval Affairs, Hon. W. W. VENABLE; Mines and Mining, Hon. OTIS WINGO.

The question was taken, and the nominations were agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5617. An act to confer jurisdiction upon the United States District Court for the District of Minnesota to hear, try, and determine the value of certain pine timber.

STOCK-RAISING HOMESTEADS.

Mr. FERRIS. Mr. Speaker, I call up the conference report on the bill H. R. 407, the same having been agreed to and adopted in the Senate.

The SPEAKER. The gentleman from Oklahoma calls up the conference report. The Clerk will report it by title.

The Clerk read as follows:

An act (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement.

[For conference report and statement see House proceedings of December 18, 1916.]

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker—

Mr. FERRIS. Does the gentleman from Illinois desire some time?

Mr. MANN. I want to make a little statement for a few minutes, not about the substance, but the form of the conference report.

Mr. FERRIS. How much time does the gentleman want?

Mr. MANN. I do not know.

Mr. FERRIS. Mr. Speaker, I yield such time as the gentleman may desire out of my hour.

Mr. MANN. Mr. Speaker, without making any criticism of the conference report, but merely for the purpose of calling the attention of Members to the method of making up the conference report, I want to make a little statement. When the House passes a bill the bill is engrossed and sent to the Senate. That is the only official copy of the bill, the engrossed copy, which accompanies all communications between the two Houses. If the Senate adds amendments, those amendments are engrossed, and reference is made in page and line to the original engrossed copy of the House, and when the two Houses finally act that original engrossed copy with amendments which might be added goes to the enrolling clerk and he makes up the enrolled bill from that. As a matter of convenience we print the House bill with Senate amendments, Senate amendments numbered and interlined in the bill in italics, but that is not the official copy that goes to the engrossing clerk, and where an amendment is offered, as in this case in the conference report, by reference to this unofficial copy instead of the official copy, the clerk has to guess at what the two Houses mean when he goes to enroll the bill, and it is never safe for the enrolling clerk to guess at what goes in the enrolled bill. Now, in this case reference is made to page 3, line 12, after the word "areas," insert the following: "of the character herein described"; but there is no such word as "areas" on page 3, line 12, of the engrossed copy of the bill. Then again, page 9, line 22, after the word "lands," add the following. There is no such word as "lands" on page 9, line 22, of the copy of the bill which goes to the clerk to be enrolled. I imagine in this case the clerk will be able to guess correctly and enroll the bill correctly, and yet members of the conference committee, or their clerks, ought to be very careful when they refer to page and line of the engrossed bill to have the engrossed bill to properly refer to; so that mistakes will not occur and then the error be laid to the enrolling clerk of one of the Houses.

Mr. FERRIS. Mr. Speaker, as chairman of the managers on the part of the House I am for myself and the conferees indebted to the gentleman from Illinois for making the suggestion. It is true that in drawing up this report I do not wish to put the responsibility on the clerk who really drew the report, as I signed it. What the clerk really did was he used the House bill with Senate amendments, and in the conference report made reference to the Senate amendments in the House print rather than the final print, which, of course, is not the proper way and is necessarily confusing to the enrolling clerk and is not what it should be. I am very much indebted and obliged to the gentleman from Illinois. It shows so well how useful he is in the House in helping to keep things straight. I signed it hurriedly and the other conferees did also. The clerk drew up the conference report, as clerks do in all such cases. I have already talked with the enrolling room, and they understand it and will enroll it properly. I am always glad to have the suggestions and help of the gentleman from Illinois, and am usually benefited by it also.

Mr. RAKER. Will the gentleman yield for five minutes?

Mr. FERRIS. I yield to the gentleman from California.

Mr. RAKER. Mr. Speaker, at this time I am not going to take the time allotted me. We are now about to consummate the last and final legislative act that will insure this bill becoming a law. This bill passed the House early in this Congress and then the Senate on the last day of the first session of the Sixty-fourth Congress, and it is one whose enactment has been looked forward to by the people of the West with much interest. It means great activity and new development of the 16 public lands to which it will apply. While the conferees did not give all that was called for in the original bill, they have so adjusted it as to make it workable, and the law will be of much benefit to the development of the West.

Mr. WINGO. Will the gentleman yield?
Mr. RAKER. Yes. I yield to the gentleman.

Mr. WINGO. I am always willing to give the West what it needs. Will the gentleman please tell us what this bill does as finally agreed on by the conferees? What changes does it make in the law, and what kind of lands does it affect?

Mr. RAKER. I have not time to give the gentleman the information he requires at this time. The chairman can and will give that to the gentleman. I only wish I had the time.

Mr. WINGO. I did not think there was anything the gentleman from California could not explain in five minutes.

Mr. RAKER. I thank the distinguished Member from Arkansas. That is not exactly so. The bill will assist in developing the West greatly, and it is a piece of legislation that will add much to the future development of the public land in Western States. [Applause.] I want to add to my statement what Commissioner Tallman says on this subject in his report of the General Land Office to the Secretary of the Interior for the fiscal year ending June 30, 1916, pages 27 to 307.

HOMESTEADS, LARGE AND SMALL.

From time to time inquiries are addressed to this office in the interest of proposed legislation looking toward a distribution of our public lands in such manner as to secure the highest form of permanent development. This is especially true in connection with the disposition of lands properly classified as agricultural, though ranging from the high fertility of a well-watered country to the semidesert condition of the arid and nonirrigable region.

Not an infrequent criticism of our public-land system has been based upon the fact that an absolute title is passed from the United States to the entryman, who thereafter is in full control of the land and may make such use thereof as may seem best to him. This, it is said, is conducive to speculative entries, so that people not really desirous of acquiring permanent homes or developing their lands to that end, but only seeking temporary results, make entries, secure patents, and thereafter promptly dispose of the land, the result being that instead of making many small homes it operates in the interest of the large landholder.

In my last report I drew attention to the fact that a study was being made in this office of the operation of the homestead law in its several forms, and gave the results of this inquiry so far as then prosecuted. Since then I have secured further data on this general subject which I believe should be preserved for future reference.

The specific point to which this inquiry has been addressed is to determine the relative degree of permanent investment secured under the three best-known forms of homestead entry, distinguished by the area of each, to wit:

1. The homestead law of 160 acres.
2. The enlarged-homestead entry of 320 acres.
3. The Kinkaid homestead entry of 640 acres.

(1) The method adopted in studying this form of entry was to compile the data from the final proofs submitted on 10 homestead entries, taken at random from each of 95 districts of the public-land States, in comparatively recent cases.

These final proofs necessarily covered all kinds and varieties of the 160-acre homestead entry, but for the purpose in hand no distinction in that particular was made, and it was found that a total of 26,297 acres were cultivated in the 950 claims, and the entire value of the improvements placed thereon estimated at \$751,151; so that the average cultivation per entry thus disclosed was 27 acres and the average value of the improvements on each farm \$790.

From this but one deduction can be reached, and that in favor of the general good faith of the small homesteader and his bona fide intention of making a permanent home for himself on the public domain. Any other conclusion would not be warranted, especially when it is taken into consideration that, for the most part, these entrymen are largely dependent upon the labor of their own hands for the improvement and cultivation of the land as well as for their own maintenance during the time they are engaged in earning title to their homes.

(2) The study of the enlarged-homestead law to determine in what degree it had affected the settlement and development of the country generally was prosecuted through the field service.

This law permits taking as a homestead 320 acres of semiarid grazing lands which have been designated by the Secretary of the Interior as not susceptible of successful irrigation at a reasonable cost from any known source of water supply. A careful study of the reports submitted justify the general conclusion that 320 acres of land of this character are absolutely necessary for the support of a family; that under the provisions of this law the farmer has been enabled to successfully combine the cultivation of a portion of the land in crop, with the use of the remainder for stock raising. With a smaller acreage of such land no such diversified investment of his capital and labor would be possible. The occupation and improvement of large areas of semiarid nonirrigable lands has therefore resulted through a practical combination of dry farming with stock raising. Here and there is encountered an expression of opinion that the law has been made use of for speculative ends, but this is the exception.

(3) The Kinkaid Act of April 28, 1904 (33 Stat., 547), permits the entry of 640 acres within a specified portion of the State of Nebraska, where the character of the soil is such that the ordinary forms of cultivation can not be successfully employed but cattle grazing is

fairly remunerative. When this law was first proposed, and during the time of its discussion before Congress, it was then said that it would be made use of by wealthy stock growers who, under the provisions of the law, would be able to obtain large bodies of public land. The friends of the measure, however, believed that if the small owner could have title to sufficient land to graze a few cattle he would not readily part with the land, and this view finally prevailed in the adoption of the act as it now stands.

A study of the Kinkaid law, in its operation for the first 10 years after its passage, from June 28, 1904, to June 28, 1914, has been made. Complete lists, by counties, of the final proofs made under said act during that period were procured, and these lists referred to the proper county recorders in each county in order to ascertain to what extent the original ownership had been retained by the entrymen.

The figures thus obtained show the following:

	Acres.
Area in hands of small holders	6,422,963.09
Area in hands of large holders	303,553.32
Area in hands of original entrymen	4,589,870.91
Total area proved up on June 28, 1904, to June 28, 1914	6,726,516.41

It will be noted that the sum of the large and small holdings is the same as the total acreage proved up under the act. The acreage in the hands of original entrymen does not affect the total, as all lands in this column are included in either the large or small holdings column.

In addition to the statistical matter thus secured, a canvass was made through inquiries in the form of questions addressed to prominent and well-informed parties in every county in the Kinkaid district, as well as to a large number of entrymen under the act.

General conditions in the territory covered by the act were also made the subject of inquiry, and where statistics had been gathered by the State of Nebraska, and were available, a comparison was made between the 10 years prior to 1904 and the 10 years immediately thereafter. Statistics as to the increase in population, valuation of property, crops, live stock, etc., were thus obtained and preserved.

A few of the more pertinent figures are here submitted:

	Per cent.
Increase in voting population from 1904 to 1914	55
Increase in value of agricultural implements from 1904 to 1914	74
Increase in value of cattle from 1904 to 1914	34
Increase in acres planted to rye from 1904 to 1914	92
Increase in acres planted to oats from 1904 to 1914	80
Increase in acres planted to corn from 1904 to 1914	102
Increase in acres planted to wheat from 1904 to 1914	142
Increase in horses owned from 1904 to 1914	67
Increase in hogs owned from 1904 to 1914	31

In valuation of all property, the increase from 1892 to 1904 was 17 per cent, while from 1904 to 1914 the increase was 108 per cent.

The general result of the investigation of this law, under the first 10-year period of its operation, is such as to justify the original friends of the measure, it being apparent that the acreage taken up thereunder has for the greater part not been absorbed in large holdings, but continues to be held and cultivated by the small holder and entryman; and further, that during such period the territory covered thereby has made a marked advancement in every way, largely attributable to the operations of the law.

The final deduction from the entire study of this subject is justified that the enlargement of the homestead was a timely recognition that the area of the entry should be measured by the earning capacity of the land. In operation, the enlargement of the homestead entry to 320 acres may be recognized as a successful demonstration of this theory in that portion of the country where stock raising may be successfully united with dry farming, but not so in those communities where only cattle grazing is a profitable use of semiarid, nonirrigable land.

The stock-raising homestead bill now pending before Congress is in effect a recognition of this conclusion, making provision for a homestead entry for 640 acres of lands chiefly valuable for grazing.

I want to include as a part of my remarks the report on this bill by the Hon. A. A. Jones, then Assistant Secretary of the Interior—now Senator elect from New Mexico. That report is full and complete and shows the wisdom of this legislation. Long and tedious hearings were had upon this legislation by the House Committee on the Public Lands. I have stood for this legislation from the beginning. I know from personal observation of the West that it is needed and will meet the situation. It will assist in building up the country and make more homes, bring more land under cultivation, and increase the beef supply. Mr. Jones's statement and report is as follows:

The existing homestead laws of the United States show an evolution or adaptation to conditions which developed, or were found to exist, as public-land settlement and entry progressed. The original homestead laws limited the maximum area which might be entered to 160 acres, an ample area for a farm in the humid regions. The reclamation act of June 17, 1902 (32 Stat., 388), provided for a still smaller farm unit in certain cases adapted to the intensive farming suitable for irrigated lands.

In other sections of the West, particularly the high plateaus of the intermountain States, there were areas which would not produce remunerative crops under the ordinary methods of farming, but which will, through soil fallowing and moisture-conservation methods of dry farming, produce profitable crops of wheat and other grains. Such farming requires the use of a larger area of land, and by what is known as the enlarged-homestead laws of February 19, 1909 (35 Stat., 639), and June 17, 1910 (36 Stat., 531), Congress permitted the entry of not exceeding 320 acres of land of the character described, upon conditions of cultivation to agricultural crops of a prescribed acreage annually.

There remained, however, large areas of public lands to which none of the foregoing laws seem appropriate, and it is believed that a new form of homestead law should be enacted peculiarly adapted thereto. These lands, because of their arid or semiarid character, or because of their location on mountain tops or sides, will not produce agricultural crops for sale or exportation in sufficient quantities to justify acquirement thereof and residence thereon under existing laws. They do, however, possess some value for grazing purposes, and often include

tracts of greater or less extent, upon which might be grown forage crops, such as kafir corn, milo maize, fodder, or other rough feed of little value for sale or importation, but valuable for winter feeding or for the fattening of range stock. I believe that with this class of lands a homestead of 640 acres of land would enable bona fide home seekers to establish and maintain homes for the purpose of stock raising and for such farming operations as will enable them to raise their own supply of rough feed for the stock pastured on the remaining lands entered or required.

For the protection of the entrymen as well as to prevent the entry of lands susceptible of irrigation, containing valuable merchantable timber, or principally valuable for purposes other than those expressed in the bill, it is provided that the lands shall, before being subject to entry, be designated by the Secretary of the Interior. All mineral within the lands are reserved to the United States, together with the right of qualified persons to prospect upon, locate, and enter such deposits under such restrictions as will prevent the destruction or injury of permanent improvements of the entrymen or patentees. This provision, like the requirement of designation, will operate to protect entrymen from protests and contests because of the character of the land, and which might otherwise result in cancellation of entries made. Another reason for the reservation of the minerals is that this law will induce the entry of lands in those mountainous regions where deposits of mineral are known to exist or are likely to be found. To issue unconditional patents for these comparatively large entries under the homestead laws might withdraw immense areas from prospecting and mineral development, and without such a reservation the disposition of these lands in the mineral country under agricultural laws would be of doubtful advisability.

The farmer-stockman is not seeking and does not desire the minerals, his experience and efforts being in the line of stock raising and farming, which operations can be carried on without being materially interfered with by the reservation of minerals and the prospecting for and removal of same from the land.

Because of the fact that the lands designated will be principally valuable for grazing, and that the farming operations will be limited to the growing of forage, no specific requirement is made as to cultivation, but instead the entryman is required to place permanent improvements upon the lands entered, tending to increase their value for stock-raising purposes of not less than \$1.25 per acre.

Provision is made for additional entries where the owners and occupants of tracts within the designated area can find vacant land adjoining the tracts already owned and occupied. In some cases it may not be possible for such entrymen and landowners to exercise the right of additional entry because of the fact that no vacant lands adjoin. In such cases provision is made for the surrender of the lands so held and owned to the United States, after which the party so relinquishing or reconveying may make an original entry under this act of not exceeding 640 acres. This provision will cause an adjustment of holdings in such areas, and the lands so surrendered to the United States may, in turn, be entered by the entrymen or owners of the adjoining tracts.

In this connection provision is made for the exercise of a preference right of entry within 90 days after the passage of the act by the entryman or owner of adjoining land, and provision is made that where vacant lands contiguous to the tracts owned and held by two or more persons entitled to an additional entry are not sufficient in amount to enable each to secure the maximum amount to which entitled, for an equitable division of the lands applied for among the several entrymen or owners.

The purpose of the law being the establishment of homes upon the land entered, the bill provides that the commutation provision of the homestead laws shall not apply to such entries.

As suggested in my report of April 24, 1914, it is believed that it would be advisable to omit the proviso to section 2, found in lines 6 to 10, page 2 of the bill, thus leaving to the settler the responsibility of determining whether or not a specific 640 acres of land, designated under this act, would be sufficient for his purposes. Such has been the law and practice under the original and enlarged homestead acts, as well as the act of April 28, 1904, heretofore described. If, however, the committee believes some limitation to be essential, the proviso as it now stands is as far as the limitation should proceed.

It is believed that the other sections of the bill are as liberal in the way of additional entries or in the right to surrender lands already held and the making of new entries of the full amount as is advisable.

Since the last session of Congress the department has been seeking information as to the advisability of the passage of such a law as is now proposed by this bill. Attention has been especially directed to the operation of the act of April 28, 1904 (33 Stat., 547), which authorized the entry of not exceeding 640 acres of land in a considerable area of western Nebraska. The provisions of that act, as applying to that limited area, were in the main designed to meet the same conditions which the present bill proposes to meet as to other areas of the public lands. Eleven years have elapsed since the passage of the law relating to western Nebraska, and the investigations of the department as to the results of that legislation are both important and significant. Prior to the passage of the act of 1904 considerable land in western Nebraska had been entered under other laws, but the marvelous development since the passage of the act of 1904 is so marked that it must in great measure at least be attributed to that law. It has been found that some of the valleys and lower lands which intersperse the larger area have been made to produce through intensive cultivation varied crops of large value, and that the production of live stock has largely increased rather than diminished. The improvements placed by the settlers upon their claims indicate both prosperity and permanency of occupation, as dwellings of stone, cement, or frame construction, plastered and provided with conveniences, have generally supplanted the original sod houses.

The farmer who has not built barns, silos, or other structures for storing crops and protecting live stock is a rare exception. The live stock raised upon the small ranches is of a higher grade than that which was produced by grazing upon the vacant public lands.

It appears from statistics collected, covering 31 counties within the area to which said law is applicable, that the population was 124,508 in 1890, 107,434 in 1900, and 162,217 in 1910, an increase of nearly 50 per cent in population during said 10-year period, during 6 years of which the 640-acre homestead law was in force.

The value of household furniture increased from \$174,779 in 1904 to \$342,312 in 1914, an increase of 95 per cent.

The value of agricultural implements in 1904 was \$139,609; in 1914, \$243,304; increase, 74 per cent.

The value of cattle in 1904 was \$3,176,109; in 1914, \$4,267,055; increase, 34 per cent.

In 1904, 30 counties produced 69,962 bushels of potatoes; in 1914, 2,671,924 bushels; increase, 3,719 per cent.

Number of acres planted to rye in 27 counties in 1904, 47,451; in 1914, 91,336; increase, 92 per cent.

Number of acres planted to oats in 28 counties in 1904, 137,032; in 1914, 246,722; increase, 80 per cent.

Number of acres planted to corn in 28 counties in 1904, 564,554; in 1914, 1,143,916; increase, 102 per cent.

Number of acres planted to wheat in 27 counties in 1904, 122,799; in 1914, 297,900; increase, 142 per cent.

Number of horses in 31 counties in 1892, 107,295; in 1904, 168,556; increase, 57 per cent; in 1914, 282,624; increase, 67 per cent.

Number of hogs in 29 counties in 1904, 171,849; in 1914, 225,480; increase, 31 per cent.

The acreage of improved land in 27 counties increased 68 per cent in 12 years, 1892 to 1904; increased 77 per cent in 10 years, 1904 to 1914. The value of the improved land decreased 18 per cent the first period and increased 143 per cent the second.

The total assessed valuation of all property in 31 counties in 1892 was \$23,468,899.69; in 1904, \$27,480,836.57; increase, 17 per cent; in 1914, \$57,278,766; increase, 108 per cent.

Of the land entered in Nebraska under the section law there is an average of 1 settler for every 571 acres. In the 37 counties affected by this law it appears that there are 4,589,870 acres in the hands of the original entrymen, 6,411,963 acres in the hands of small holders, and only 316,453 acres in the hands of what might be termed large holders; that is, those possessing areas in excess of 2,000 acres. The department is informed that the practically unanimous sentiment of the people in western Nebraska is that the law has been a benefit to them and to the country, causing a large increase in the population, promoting the development of the lands, and advancing generally the public welfare.

That a demand for the proposed legislation exists is undoubted, not only because existing laws are not adapted to large areas of remaining public lands, but because there is a widespread demand for such legislation in order that additional homes may be made upon the public domain. To secure further data upon the subject I called upon the various field agents of the General Land Office for information and for an expression of opinion with respect to such legislation.

As you are aware, the duties of these agents take them into all parts of the public-land area, and they have many and unusual opportunities for observing conditions. The reports generally show the need for some such legislation. The following quotations indicate the view taken by agents on duty in the States mentioned:

MONTANA.

"I believe that the enactment of a law providing for 640-acre homesteads will result in the production of a greater number of cattle than were found on these ranges during the most prosperous days of the cattle kings."

CALIFORNIA.

"After a long experience in the public-land States, it is my belief that at the present time a homestead law allowing a greater acreage than the present 320-acre law would be in order. The land that now remains subject to homestead entry is mostly rough and of doubtful value for agricultural purposes. But give a man enough of it, so that he can run a few head of stock and graze a few milch cows, and the chances are that he will remain there and make the land his permanent home."

WYOMING.

"A sufficient acreage of these lands should be given the homesteader to insure him a livelihood for his family by putting it to the use to which it is best adapted. The observation of the writer has been that 320 acres of such land is not a sufficient area to support a family by grazing stock, nor is it a unit which can be handled to the best advantage in an economic sense."

NEW MEXICO.

After commenting on the provisions of the enlarged-homestead act, which, the agent says, met with fair success in the northeastern part of the State, he says:

"In the other portions of the State it is not well adapted; 320 acres will not support a family; the productive capacity of the country is not sufficient to maintain a family on each tract of this size."

"The units should be higher, at least 640 acres; with this amount of land some 40 head of cows could be pastured and dairying carried on with the fodder and silage raised, and a fair living be assured the homesteader on the 15-inch and better rainfall land and a poor living on the 10-inch to 15-inch rainfall land."

COLORADO.

"Settlement is now pushing west to a different character of land—lands fully as rich and richer for agriculture, but producing naturally a much scantier pasturage—and it requires a larger area for that purpose to support sufficient stock to make the settler a prosperous home, and settlement is slower. * * * If the law permitting a homestead on 640 acres is passed it will tend to build up that section of the country most adapted to grazing, and the land will be put to its best possible use."

As stated at the beginning of the report, the original 160-acre homestead law and the enlarged homestead law permitting the entry of 320 acres have contributed enormously to the agricultural development of the public-land States and are still being taken advantage of by home-seekers in those localities where the soil, rainfall, and climate permit the making of homes upon the areas therein described.

This measure covers another and different class of lands, extensive in area, to which the existing laws are not suitable, and will, in my opinion, secure the settlement upon and improvement of a very large area of our public-land States, adding materially to the wealth and well-being of the country and providing homes for thousands of citizens who would otherwise be unable to take advantage of the homestead features of our public-land laws. It will wisely supplement existing laws, open a new field, and unquestionably add to the well-being not only of the States wherein the lands are located but of the entire country.

THE SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD on the conference report. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Speaker, I would like to have the chairman of the committee explain this matter briefly. This bill

was up in the last session of Congress. To be perfectly frank with the gentleman, I will say that I know at that time I took considerable interest in it. At least I think it was this bill, but it has escaped my mind for the moment as to what it is. And for that reason I would like to have him explain what changes have been made.

Mr. FERRIS. I will say to the gentleman that in the 15 Western States there are approximately 300,000,000 acres of arid, semiarid, nonirrigable, nontimbered land. In Alaska there are 370,000,000 acres. Of course, not all of these areas will come under this bill, but quite a large part of it will. As the law stands, most of this land will never be used for any purpose. The unit of entry is so small it will not sustain a family. An entryman could take up only 160 acres, or, at most, 320, that is worth anything for agricultural purposes. This bill raises the unit from 320 to 640 acres, so that the little draws, ravines, and lowlands may be used for raising fodder, like cane, Kaffir corn, and other crops requiring little moisture, with which to sustain animal life, and they can use the poorer uplands that are dry and arid for grazing. They can not, of course, only enter this dry, arid character of land. Before they can enter under this bill at all the Interior Department must find four things; first, that it is chiefly valuable for grazing and raising forage crops; second, it must not contain merchantable timber; third, it is not susceptible of irrigation from any known water supply; and, fourth, 640 acres will be required to properly sustain a family. This, of course, renders it a grazing proposition. The land in the humid areas can be entered and used under the smaller unit.

Mr. WINGO. Does it apply only to arid lands?

Mr. FERRIS. It applies only to arid lands. And they could not make an entry of that kind in my State or the gentleman's State. If it is irrigable, they can not take it. If it is timberland, they can not take it; and if it is mineral, they can not take it; and it requires that 640 acres is reasonably required to support a family in order that an entryman may make entry at all. In other words, if it is unnecessary to have 640 acres to sustain a family, they must enter it under the 320 or the 160 acre law.

Mr. ADAIR. Who makes this finding?

Mr. FERRIS. The Interior Department and the Geological Survey, just the same as they do under the existing 320-acre law.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MOORE of Pennsylvania. The gentleman from California indicated that this would do very much toward developing the Western States, and the gentleman from Oklahoma has indicated that 15 Western States are interested, and that there are millions of acres of arid and semiarid lands for disposal under this bill.

Mr. FERRIS. I think there is more acreage than that. I think more than half can well be designated under this law. Perhaps three-fourths of it. Of course, some of it is worthless and would not be taken at all.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman a question. This western distribution of lands is not to the prejudice of the rights of eastern settlers to present their claims along with the residents of the 15 Western States?

Mr. FERRIS. Not in the least. They are invited to come and take up the land. But my thought was that if the people from the cities and the crowded centers and from the East could be induced to come out there and help settle up those States it would be of benefit all around. The people of the East desire homes. The Western States want people to help them develop the West.

Mr. MOORE of Pennsylvania. Will the gentleman explain how the people in the congested cities could obtain a portion of this land? I think such a statement would be interesting.

Mr. FERRIS. I will say to the gentleman, for example, that if a citizen of Philadelphia desired to take up one of these dry grazing homesteads, and take himself and his family, he would first go to the local land office and make application to enter 640 acres of that dry, arid land. The registers and the receivers of the land office, who are the custodians, would make a note of the application, but would not finally allow it. They would hold it in suspense until a representative of the Interior Department could go there and make an investigation, and find, first, if it is nontimber, nonmineral, nonirrigable, and if that 640 acres would be required to support a family. If so, then the entry would be allowed. The settler could move on, live there three years, comply with the provisions of the homestead law, and get his title.

Mr. MOORE of Pennsylvania. And he provides the means for that house himself?

Mr. FERRIS. He does. The applicant has to initiate the settlement and comply with the law. He has to do all that. The Government does not help him on that. And if the little valleys or little draws or little slews have enough moisture in them to raise cane and fodder and Kaffir corn, and those crops that will grow without much rainfall, and let his few sheep and few cattle graze on the untaken land, we hoped in that way he might make a home.

Mr. MANN. "Cain" is about all they can raise out there.

Mr. MOORE of Pennsylvania. The crop the gentleman from Illinois refers to can be raised in any section of the country, if anybody is disposed to raise it?

Mr. FERRIS. Precisely. Here or elsewhere.

Mr. MOORE of Pennsylvania. But I am after some real information. If the West is to be developed, as indicated by the gentleman from California [Mr. RAKER], who displays a very great interest in the West, I presume the people of the East must be drawn upon largely to attain that purpose?

Mr. FERRIS. That is true. They are invited. Some will succeed; some will fail. That is only the story of a human life everywhere.

Mr. MOORE of Pennsylvania. And if that is worth while to the people of the West, it must be worth while to the people of the East. I would like to ask the gentleman whether, having advanced the apportionment from 320 to 640 acres as proposed here, the 640 acres of land is of such a quality as would enable an ordinary man, without any expert knowledge of farming, or especially of dry farming, as you call it, to actually sustain himself and his family upon that tract of land?

Mr. FERRIS. Well, the gentleman from Pennsylvania and his family, along with myself and my family, journeyed over some of that land last summer and saw it, and now the gentleman knows from personal observation, as I know from personal contact, that upon it, or upon a great deal of it, they can not make a living. But this legislation will enable them to take up a lot of it, and it will increase production and necessarily reduce the cost of living and put some of that land under cultivation and produce homesteads. I do not think they can settle up all that land. Some of it is absolutely worthless. Some people unaccustomed to the privations of homesteading will fail, others will succeed. The entire West and East, too, has been settled on that basis and in that way.

Mr. MOORE of Pennsylvania. Let this be understood: On Sunday last I passed by a place in my own city where 90 men were standing in the snow awaiting an opportunity to go into a clubhouse provided by some church people, to obtain something to eat. Think of it—90 men, in these times of prosperity, were standing on the sidewalk on Sunday afternoon in the snow, waiting for something to eat. That condition would not hold in the gentleman's country, but it sometimes holds in mine. Now, we should enable these men to go onto the land somewhere and obtain a livelihood, if they desire to do it. What I would like to know is where they can go for information? How can they get the information that will enable them to go upon the land?

Mr. FERRIS. Well, I know that the gentleman does not expect me to go into politics about this matter, and I will not pay any attention to his reference to the idle men, because—

Mr. MOORE of Pennsylvania. This is not politics. It is a serious matter, not a laughing matter.

Mr. FERRIS. The gentleman was inquiring of me as to how they would have to go about it, and I was simply—

Mr. MOORE of Pennsylvania. I know; but if we are going to give away 15,000,000 acres or more of land, I want to know if the people of my section will have the right to get some of it.

Mr. FERRIS. They have the right. We in the West, in most cases, have already exhausted our homestead rights and can not enter at all. The gentleman or any of his constituents would have the right to go into any State where the land is situated; but before going there, he would do well to write to the General Land Office for full instructions and details as to what can be done, and, of course, any of the gentleman's constituents can write to the gentleman from Pennsylvania and get a copy of the law, and from that law, and together with the instructions that he can get from the General Land Office he can obtain all the needed information he desires or needs. No one should go out there expecting a snap. It is probable the weaker ones will drop out and fail. They fail everywhere.

Mr. MOORE of Pennsylvania. Does the information that is available now at the General Land Office show where the land is listed?

Mr. FERRIS. The unentered land is listed, and it is available, but under this bill the character of land is not yet avail-

able until the law is signed and rules and regulations to be used in connection with it are worked out under it.

Mr. MOORE of Pennsylvania. I may say to the gentleman that I have gone through that western territory. The gentleman is right about that. I have gone through the northwestern and southwestern sections, and I noticed that a great many people who had gone in on arid land had not made good.

Mr. FERRIS. That is so, but—

Mr. MOORE of Pennsylvania. I have noticed also that there has been a considerable number of bills coming in here that have extended the time in which homesteaders would be permitted to make good. Many of these people had gone on the lands, much to their own detriment and misfortune. It seems to me that with all these 15,000,000 acres of land unoccupied every man ought to have an equal right to find out about it and get some of it, but he ought to have enough advance information to prevent deception.

Mr. FERRIS. I can say to the gentleman that there will be no preferences or favors shown. Every man will have an equal chance to go out there, after this row is past, and exercise his rights.

Mr. MOORE of Pennsylvania. And the ordinary man in the East can get the necessary information from the Land Office as well as any other man?

Mr. FERRIS. Yes.

Mr. LENROOT rose.

Mr. FERRIS. As chairman of the Public Lands Committee of the House, aided by a faithful committee of 22 members, I have labored in season and out to secure the passage of this legislation. It passed the House of Representatives in January, 1916. It went to the Senate and passed the Senate during the last day of the session, on September 8. It passed the Senate so late in the session that it was impossible to get the amendments agreed to or to secure the appointment of a conference committee during the last day of the session. On the first day of this session—December 4—I immediately had conferees appointed and began the task of getting the legislation finally adopted, through the Congress, and made available for the homeless citizens who desire to enter public lands in the West.

Roughly, there are 300,000,000 acres of public lands in the 15 public-land States of the West and approximately 375,000,000 acres in Alaska. Some of this land is totally worthless and will not be taken up under this law or any other law for homesteading purposes. However, a large portion of it, in my opinion, will be utilized under this law. It is the largest unit that has ever been applied to the entire public-land area. It is found necessary due to the arid character of the lands remaining undisposed of. All over the country there is a cry going up from homeless citizens desiring to acquire a home. All through the sparsely settled States of the West they are appealing for more people to come there and take up residence among them. This legislation will go a long way toward bringing the landless man in contact with the vacant public domain of this country. It will afford him a unit large enough to enable him to make a living for his family and aid in the development of the West. If the law accomplishes this, we shall feel proud of our labors. I feel confident it will work great good, furnish thousands of homes for homeless citizens, and enable them to get a start in life that they otherwise could not secure.

I beg to print herewith the written report on this legislation from the Interior Department, which goes into this matter quite in detail and makes us feel confident that our labors are justified, that the legislation we have passed is feasible, workable, and of aid in the development of the West. The report follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 15, 1915.

MY DEAR MR. FERRIS: I am in receipt of your request for report on H. R. 407, a bill to provide for stock-raising homesteads, and for other purposes.

This bill is identical with H. R. 15799, passed by the House of Representatives January 18, 1915. The matter therein treated was the subject of reports to your committee by this department January 30 and April 24, 1914, in which the importance of the enactment of legislation authorizing the entry, under the public-land laws, of a larger area than is at present permitted for a specified class of lands was urged.

As stated in said reports, the existing homestead laws of the United States show an evolution or adaptation to conditions which developed or were found to exist as public-land settlement and entry progressed. The original homestead laws limited the maximum area which might be entered to 160 acres, an ample area for a farm in the humid regions. The reclamation act of June 17, 1902 (32 Stat., 388), provided for a still smaller farm unit in certain cases adapted to the intensive farming suitable for irrigated lands. In other sections of the West, particularly the high plateaus of the intermountain States, there were areas which would not produce remunerative crops under the ordinary methods of farming, but which will through soil fallowing and moisture-conservation methods of dry farming produce profitable crops of wheat and other grains. Such farming requires the use of a larger area of land, and by what is known as the enlarged-homestead laws of February 19, 1909 (35 Stat., 639), and June 17, 1910 (36 Stat., 531), Congress permitted the entry of not exceeding 320 acres of land of the char-

acter described, upon conditions of cultivation to agricultural crops of a prescribed acreage annually.

There remained, however, large areas of public lands to which none of the foregoing laws seem appropriate, and it is believed that a new form of homestead law should be enacted peculiarly adapted thereto. These lands, because of their arid or semiarid character, or because of their location on mountain tops or sides, will not produce agricultural crops for sale or exportation in sufficient quantities to justify acquisition thereof and residence thereon under existing laws. They do, however, possess some value for grazing purposes, and often include tracts of greater or less extent, upon which might be grown forage crops, such as kafir corn, milo maize, fodder, or other rough feed of little value for sale or importation, but valuable for winter feeding or for the fattening of range stock. I believe that with this class of lands a homestead of 640 acres of land would enable bona fide homeseekers to establish and maintain homes for the purpose of stock raising and for such farming operations as will enable them to raise their own supply of rough feed for the stock pastured on the remaining lands entered or acquired.

The following brief comments upon the bill as introduced are herewith submitted:

For the protection of the entrymen, as well as to prevent the entry of lands susceptible of irrigation, containing valuable merchantable timber, or principally valuable for purposes other than those expressed in the bill, it is provided that the lands shall, before being subject to entry, be designated by the Secretary of the Interior. All mineral within the lands are reserved to the United States, together with the right of qualified persons to prospect upon, locate, and enter such deposits under such restrictions as will prevent the destruction or injury of permanent improvements of the entrymen or patentees. This provision, like the requirement of designation, will operate to protect entrymen from protests and contests because of the character of the land, and which might otherwise result in cancellation of entries made. Another reason for the reservation of the minerals is that this law will induce the entry of lands in those mountainous regions where deposits of mineral are known to exist or are likely to be found. To issue unconditional patents for these comparatively large entries under the homestead laws might withdraw immense areas from prospecting and mineral development, and without such a reservation the disposition of these lands in the mineral country under agricultural laws would be of doubtful advisability.

The farmer-stockman is not seeking and does not desire the minerals, his experience and efforts being in the line of stock raising and farming, which operations can be carried on without being materially interfered with by the reservation of minerals and the prospecting for and removal of same from the land.

Because of the fact that the lands designated will be principally valuable for grazing, and that the farming operations will be limited to the growing of forage, no specific requirement is made as to cultivation, but instead the entryman is required to place permanent improvements upon the lands entered, tending to increase their value for stock-raising purposes, of not less than \$1.25 per acre.

Provision is made for additional entries where the owners and occupants of tracts within the designated area can find vacant land adjoining the tracts already owned and occupied. In some cases it may not be possible for such entrymen and landowners to exercise the right of additional entry because of the fact that no vacant lands adjoin. In such cases provision is made for the surrender of the lands so held and owned to the United States, after which the party so relinquishing or reconveying may make an original entry under this act of not exceeding 640 acres. This provision will cause an adjustment of holdings in such areas, and the lands so surrendered to the United States may, in turn, be entered by the entrymen or owners of the adjoining tracts.

In this connection provision is made for the exercise of a preference right of entry within 90 days after the passage of the act by the entryman or owner of adjoining land, and provision is made that where vacant lands contiguous to the tracts owned and held by two or more persons entitled to an additional entry are not sufficient in amount to enable each to secure the maximum amount to which entitled, for an equitable division of the lands applied for among the several entrymen or owners. The purpose of the law being the establishment of homes upon the land entered, the bill provides that the commutation provisions of the homestead laws shall not apply to such entries.

As suggested in my report of April 24, 1914, it is believed that it would be advisable to omit the proviso to section 2, found in lines 6 to 10, page 2, of the bill, thus leaving to the settler the responsibility of determining whether or not a specific 640 acres of land, designated under this act, would be sufficient for his purposes. Such has been the law and practice under the original and enlarged homestead acts, as well as the act of April 28, 1904, heretofore described. If, however, the committee believes some limitation to be essential, the proviso as it now stands is as far as the limitation should proceed.

I also suggest the advisability of omitting section 6 of the bill, which proposes to give the right of additional entry, where no adjoining lands are vacant, within a radius of 10 miles from the original entry. The purpose of this measure is the making of homes through the use and development of a block of land large enough to afford a home for a family in a combination of farming and stock raising. As already intimated, it is not desired to promote speculation or the concentration of such lands in large holdings. A provision permitting the entry of noncontiguous lands would, in my opinion, not be in harmony with this idea, but on the contrary would promote the sale of and speculation in these noncontiguous parcels of land. It is believed that the other sections of the bill are as liberal in the way of additional entries or in the right to surrender lands already held and the making of new entries of the full amount as is advisable.

Since the last session of Congress the department has been seeking information as to the advisability of the passage of such a law as is now proposed by this bill. Attention has been especially directed to the operation of the act of April 28, 1904 (33 Stat., 547), which authorized the entry of not exceeding 640 acres of land in a considerable area of western Nebraska. The provisions of that act as applying to that limited area were, in the main, designed to meet the same conditions which the present bill proposes to meet as to other areas of the public lands. Eleven years have elapsed since the passage of the law relating to western Nebraska, and the investigations of the department as to the results of that legislation are both important and significant. Prior to the passage of the act of 1904, considerable land in western Nebraska had been entered under other laws, but the marvelous development since the passage of the act of 1904 is so marked that it must in great measure at least be attributed to that law. It has been found that some of the valleys and lower lands which intersperse the larger area have been made to produce through intensive cultivation

varied crops of large value, and that the production of live stock has largely increased rather than diminished. The improvements placed by the settlers upon their claims indicate both prosperity and permanency of occupation, as dwellings of stone, cement, or frame construction, plastered and provided with conveniences, have generally supplanted the original sod houses, and the farmer who has not built barns, silos, or other structures for storing crops and protecting live stock is a rare exception. The live stock raised upon the small ranches is of a higher grade than that which was produced by grazing upon the vacant public lands.

It appears from statistics collected covering 31 counties within the area to which said law is applicable, that the population was 124,508 in 1890, 107,434 in 1900, and 162,217 in 1910; an increase of nearly 50 per cent in population during said 10-year period, during 6 years of which the 640-acre homestead law was in force.

The value of household furniture increased from \$174,779 in 1904 to \$342,312 in 1914; an increase of 95 per cent.

The value of agricultural implements in 1904 was \$139,609; in 1914, \$243,304; increase 74 per cent.

The value of cattle in 1904 was \$3,176,109; in 1914, \$4,267,055; increase 34 per cent.

In 1904 30 counties produced 69,962 bushels of potatoes; in 1914, 2,671,924 bushels; increase 3,719 per cent.

Number of acres planted to rye in 27 counties in 1904, 47,451; in 1914, 91,336; increase 92 per cent.

Number of acres planted to oats in 28 counties in 1904, 137,032; in 1914, 246,722; increase 80 per cent.

Number of acres planted to corn in 28 counties in 1904, 564,554; in 1914, 1,143,916; increase 102 per cent.

Number of acres planted to wheat in 27 counties in 1904, 122,799; in 1914, 297,900; increase 142 per cent.

Number of horses in 31 counties in 1892, 107,295; in 1904, 168,556; increase 57 per cent; in 1914, 282,624; increase 67 per cent.

Number of hogs in 29 counties in 1904, 171,849; in 1914, 225,480; increase 31 per cent.

The acreage of improved land in 27 counties increased 68 per cent in 12 years, 1892 to 1904; increased 77 per cent in 10 years, 1904 to 1914. The value of the improved land decreased 18 per cent the first period and increased 143 per cent the second.

The total assessed valuation of all property in 31 counties in 1892 was \$23,468,899.69; in 1904, \$27,480,836.57; increase 17 per cent; in 1914, \$57,278,766; increase 108 per cent.

Of the land entered in Nebraska under the section law there is an average of 1 settler for every 571 acres. In the 37 counties affected by this law it appears that there are 4,589,870 acres in the hands of the original entrymen, 6,411,963 acres in the hands of small holders, and only 316,453 acres in the hands of what might be termed large holders—that is, those possessing areas in excess of 2,000 acres. The department is informed that the practically unanimous sentiment of the people in western Nebraska is that the law has been a benefit to them and to the country, causing a large increase in the population, promoting the development of the lands, and advancing generally the public welfare.

That a demand for the proposed legislation exists is undoubtedly not only because existing laws are not adapted to large areas of remaining public lands, but because there is a widespread demand for such legislation in order that additional homes may be made upon the public domain. To secure further data upon the subject, I called upon the various field agents of the General Land Office for information and for an expression of opinion with respect to such legislation. As you are aware, the duties of these agents take them into all parts of the public-land area and they have many and unusual opportunities for observing conditions. The reports generally show the need for some such legislation. The following quotations indicate the view taken by agents on duty in the States mentioned:

MONTANA.

"I believe that the enactment of a law providing for 640-acre homesteads will result in the production of a greater number of cattle than were found on these ranges during the most prosperous days of the cattle kings.

CALIFORNIA.

"After a long experience in the public-land States, it is my belief that at the present time a homestead law allowing a greater acreage than the present 320-acre law would be in order. The land that now remains subject to homestead entry is mostly rough and of doubtful value for agricultural purposes. But give a man enough of it so that he can run a few head of stock and graze a few milch cows and the chances are that he will remain there and make the land his permanent home.

WYOMING.

"A sufficient acreage of these lands should be given the homesteader to insure him a livelihood for his family by putting it to the use to which it is best adapted. The observation of the writer has been that 320 acres of such land is not a sufficient area to support a family by grazing stock, nor is it a unit which can be handled to the best advantage in an economic sense."

NEW MEXICO.

After commenting on the provisions of the enlarged homestead act, which the agent says met with fair success in the northeastern part of the State, he says:

"In the other portions of the State it is not well adapted. Three hundred and twenty acres will not support a family; the productive capacity of the country is not sufficient to maintain a family on each tract of this size.

"The units should be higher; at least 640 acres; with this amount of land some 40 head of cows could be pastured and dairying carried on with the fodder and silage raised and a fair living be assured the homesteader on the 15-inch and better rainfall land, and a poor living on the 10-inch—15-inch rainfall land.

COLORADO.

"Settlement is now pushing west to a different character of land—lands fully as rich and richer for agriculture, but producing naturally a much scantier pasturage—and it requires a larger area for that purpose to support sufficient stock to make the settler a prosperous home and settlement is slower. * * * If the law permitting a homestead on 640 acres is passed, it will tend to build up that section of the country most adapted to grazing, and the land will be put to its best possible use."

As stated at the beginning of the report, the original 160-acre homestead law and the enlarged homestead law permitting the entry of 320 acres have contributed enormously to the agricultural development of

the public-land States, and are still being taken advantage of by homeseekers in those localities, where the soil, rainfall, and climate permit the making of homes upon the areas therein described. This measure covers another and different class of lands, extensive in area, to which the existing laws are not suitable, and will, in my opinion, secure the settlement upon and improvement of a very large area of our public-land States, adding materially to the wealth and well-being of the country and providing homes for thousands of citizens who would otherwise be unable to take advantage of the homestead features of our public-land laws. It will wisely supplement existing laws, open a new field, and unquestionably add to the well-being not only of the States wherein the lands are located, but of the entire country.

I recommend that H. R. 407 be enacted as soon as possible.

Cordially, yours,

ANDRIEUS A. JONES,
First Assistant Secretary.

Hon. SCOTT FERRIS,

Chairman Committee on Public Lands,
House of Representatives.

For the information of those who would care to examine the legislation prior to its being signed by the President and printed in law form, I insert at this point a copy of the engrossed bill for the information of those who want to examine the same critically. It is as follows:

An act (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

Be it enacted, etc., That from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding 640 acres of unappropriated unreserved public land in reasonably compact form: *Provided, however*, That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands."

SEC. 2. That the Secretary of the Interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this act lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that 640 acres are reasonably required for the support of a family: *Provided*, That where any person qualified to make original or additional entry under the provisions of this act shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant in duplicate showing prima facie that the land applied for is of the character contemplated by this act), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of; and if the said land shall be designated under this act, then such application shall be allowed; otherwise it shall be rejected, subject to appeal; but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands.

SEC. 3. That any qualified homestead entryman may make entry under the homestead laws of lands so designated by the Secretary of the Interior, according to legal subdivisions, in areas not exceeding 640 acres, and in compact form so far as may be subject to the provisions of this act, and secure title thereto by compliance with the terms of the homestead laws: *Provided*, That a former homestead entry of land of the character described in section 2 hereof shall not be a bar to the entry of a tract within a radius of 20 miles from such former entry under the provisions of this act, subject to the requirements of law as to residence and improvements, which, together with the former entry, shall not exceed 640 acres: *Provided further*, That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land: *Provided further*, That instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes, of the value of not less than \$1.25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof.

SEC. 4. That any homestead entryman of lands of the character herein described, who has not submitted final proof upon his existing entry, shall have the right to enter, subject to the provisions of this act, such amount of contiguous lands designated for entry under the provisions of this act as shall not, together with the amount embraced in his original entry, exceed 640 acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to \$1.25 for each acre thereof.

SEC. 5. That persons who have submitted final proof upon, or received patent for, lands of the character herein described under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of this act, make additional entry for and obtain patent to contiguous lands designated for entry under the provisions of this act, which, together with the area theretofore acquired under the homestead law, shall not exceed 640 acres, on proof of the expenditure required by this act on account of permanent improvements upon the additional entry.

SEC. 6. That any person who is the head of a family, or who has arrived at the age of 21 years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to the passage of this act, lands of the character described in this act, the area of which is less than 640 acres, and who is unable to exercise the right of additional entry herein conferred because no lands subject to entry under this act adjoin the tract so entered or acquired or lie within the 20-mile limit provided for in this act, may, upon submitting proof that he resides upon and has not sold the land so entered or acquired and against which land there are no encumbrances, relinquish or reconvey to the United States the land so occupied, entered, or acquired, and in lieu thereof, within the same land-office district, may enter and acquire title to 640 acres of the land subject to entry under this act, but must show compliance with all the provisions of this act respecting the new entry and with all the provisions of existing homestead laws except as modified herein.

SEC. 7. That the commutation provisions of the homestead laws shall not apply to any entries made under this act.

SEC. 8. That any homestead entryman or patentee who shall be entitled to additional entry under this act shall have for 90 days after the designation of lands subject to entry under the provisions of this act and contiguous to those entered or owned and occupied by him the preferential right to make additional entry as provided in this act: *Provided*, That where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the Secretary of the Interior is authorized to make an equitable division of the lands among the several entrymen or patentees, applying to exercise preferential rights, such division to be in tracts of not less than 40 acres, or other legal subdivision, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: *Provided further*, That where but one such tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.

SEC. 9. That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situated, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this act.

SEC. 10. That lands containing water holes or other bodies of water needed or used by the public for watering purposes shall not be designated under this act but may be reserved under the provisions of the act of June 25, 1910, and such lands heretofore or hereafter reserved shall, while so reserved, be kept and held open to the public use for such purposes under such general rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary may, in his discretion, also withdraw from entry lands necessary to insure access by the public to watering places reserved hereunder and needed for use in the movement of stock to summer and winter ranges or to shipping points, and may prescribe such rules and regulations as may be necessary for the proper administration and use of such lands: *Provided further*, That such driveways shall not be of greater number or width than shall be clearly necessary for the purpose proposed and in no event shall be more than 1 mile in width for a driveway less than 20 miles in length, not more than 2 miles in width for driveways over 20 and not more than 35 miles in length and not over 5 miles in width for driveways over 35 miles in length: *Provided further*, That all stock so transported over such driveways shall be moved at an average of not less than 3 miles per day for sheep and goats and an average of not less than 6 miles per day for cattle and horses.

SEC. 11. That the Secretary of the Interior is hereby authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this act for the purpose of carrying the same into effect.

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. LENROOT. Mr. Speaker, I want merely to supplement what the chairman of the committee said in his explanation of the procedure required in order to secure the benefits of this act. I do not believe he fully stated the situation. He said that anybody might make an application to enter this land, and then the application would be suspended while agents would be sent to the land to determine its character and ascertain if it fell within this particular classification. I think the gentleman will agree with me that that will be done only in an exceptional case. In the vast majority of these cases it is the intention of the bill that the Secretary of the Interior will in the first instance designate without application the lands that may be entered under the provisions of this act.

I want to say further, inasmuch as the gentleman from Pennsylvania [Mr. MOORE] wishes this information, that I hope the people of Philadelphia and of the East will not assume that merely because of the passage of this law they can get 640 acres of land and make a living upon it—upon land that has

not been previously designated by the Secretary of the Interior. And I further hope that the Secretary of the Interior in the administration of this law will not designate lands that are not such as in his judgment would enable the settler to support a family upon 640 acres.

Mr. MOORE of Pennsylvania. The gentleman's statement raises a further question that calls for explanation. Does it mean now that the man in the East who would like to take up this land would be taking up land that is worthless? Would he be deceived as to its character and lose whatever outlay he might make in transportation and living expenses?

Mr. LENROOT. That might be possible if he relied upon advertisements and efforts of locaters in the West to get him out there on the assumption that he is going to get 640 acres of good land. In that case he would very likely be mistaken. It would be better for him to rely upon the designation first made by the Secretary of the Interior, and then it would be well for him to make inquiries as to the land.

Mr. MOORE of Pennsylvania. While the gentleman is on his feet, may I ask him whether actual occupancy is required in order to obtain this land?

Mr. LENROOT. It is. I would like to say a word in further response to the inquiry of the gentleman from Pennsylvania. Actual occupancy and improvements are required, as under the general homestead law; but in lieu of the cultivation required by the general homestead law, improvements for stock-raising purposes to the extent of \$1.25 an acre only are required.

Mr. FERRIS. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, responding first to the inquiry of the gentleman from Philadelphia [Mr. MOORE of Pennsylvania] I would say that some of those who have been most interested in the passage of this act are people of his city; and I have before me the articles of agreement which are, I understand, to be entered into by a considerable number of the people of Philadelphia, under which, in a cooperative way, they hope to be able to establish homes on some of the land which will be opened under this law in Wyoming. Several of the citizens of his city, one of whom was here yesterday, have already been over the land, and in some cases have made the 320-acre entries, and have determined upon the land which they hope to be able to file upon under the law.

Replying to his further inquiry, as to whether people generally have full and definite information with regard to the lands open to entry under the land laws, I want to say that it is unfortunate, I think, that what information is obtainable is not in many instances of a character that is really useful to a man who is not generally familiar with the western country. Much of the information would be entirely available and useful to farmers in the western trans-Mississippi States, because those farmers understand the technology and the descriptions and locations, and are accustomed to going over public land. But men living farther east, who are not accustomed to that sort of thing and do not know the country and are not familiar with the means of transportation and what is necessary to locate land, are unfortunately not as well supplied with information as they should be, and they never have been. Something ought to be done in that direction. However, the man from the East who is sincerely anxious to acquire a home on these lands in the West, and who is willing to take the same chance that people have taken in the past, to go out and look the land over, may have, and does have, just as good an opportunity as anyone else has to make an entry.

Mr. Chairman, speaking in general of this legislation I want to say that the people of the western and semiarid country have looked forward for a number of years with hopeful expectation toward the passage of legislation which would enlarge the area of the homestead, covering lands which are not of certain value under cultivation, but which are primarily of value for grazing purposes. We hope, of course, that all of the settlers on these lands will make an attempt in some way to cultivate a portion of their land, but the major portion of the land which will be enterable under this law will be land where the dependence must be in the main upon stock raising. I am very much interested in this matter, because I think I first brought to the attention of the House the question of the evolution of the homestead law along these lines, and a number of years ago I introduced the first bill providing for a stock-raising or grazing homestead of 640 to 1,280 acres. I certainly have not any disposition to criticize this bill because of the fact that it is in many essential respects different from the bill that I introduced, but I believe it would not be fair to the western people and to the people of the country generally who are expected

to benefit by this legislation if a brief statement were not made as to the character of the legislation, compared with the expectation of those who have advocated it and of the people in the section to which it applies.

It is quite a remarkable and unusual thing that, from the standpoint of all interested parties, this bill as presented to us by the conferees is not as satisfactory as either the House bill or the Senate bill. This is a very unusual situation, unfortunately brought about largely, I understand, by influences outside of Congress. In other words, there were rumors and suggestions that unless the bill was modified in some essential respects as it had been agreed upon by both Houses it would not become a law. Influenced to some extent, at least, I understand, by those rumors and considerations, the conferees, outside of their authority, felt called upon to make some amendments to the bill, to eliminate from it certain matters upon which both Houses had agreed, and add to it matter which was not and is not properly in conference. I certainly shall not make the point of order on that action of the conference committee, and I hope no one else will, for while I regret it I realize that the bill as presented is the best that can be secured at this time. Yet it is a fact which should be understood, I think, before the bill passes this House that the action of the conferees renders the bill, which was not very satisfactory as it passed the House and was not entirely satisfactory as it passed the Senate, still less satisfactory now than it was either as it passed the House or as it passed the Senate.

In the first place, I think the fact should be emphasized that the bill establishes a new method and theory with regard to minerals in the land legislation in our country. It reverts back to the ancient doctrine of the ownership of the mineral by the king or the crown and reserves specifically everything that is mineral in all the land entered. It was, it was claimed, necessary to accept a provision of that kind in order to secure the larger acreage. The Interior Department insisted upon it, and many supported that view. My own opinion is that that policy is not wise and that in the long run it will be found to be infinitely more harmful than beneficial or useful or helpful to anyone, either the individual or the public generally. When one takes into consideration the wide range of substances classed as mineral, the actual ownership under a complete mineral reservation becomes a doubtful question.

The bill as it passed the House contained a number of sections assuming to give those already on the ground as homestead settlers, who held lands somewhat similar to those described in the bill, an opportunity to take additional areas, either contiguous to their lands or at some distance from them, and also a provision under which a purchase could be made in certain cases. Unfortunately, the language of the House bill was so restricted in character that it was very doubtful whether any considerable number of those now holding homestead entries on the public domain could avail themselves of the privileges and the opportunities assumed to be extended by those sections.

In the Senate those sections were liberalized so as to make it quite clear and definite that a very considerable number and character of people now holding public land could avail themselves of the opportunity to secure additional entries. But in conference the Senate receded from all of those liberalizing provisions, and there was a demand from certain quarters that, in addition to that, a right of application before designation contained in section 2 should be stricken from the bill. Instead of doing that, however, the conferees inserted an amendment, out of order, or beyond their authority, under which the rights of those exercising this advance or preferential privilege were largely restricted. That restriction, in my opinion, is not wise and will be unfortunate and hampering to the entrymen. It is, however, much better than striking out the preferential proviso. We could not and would not have stood for that.

There is also a provision for driveways, which, in my opinion, is not entirely what it should be, particularly as affected by the amendment to the proviso to section 2. We have, as I have pointed out, this bill as it comes from conference less satisfactory than as either body passed it, and, I fear, not very satisfactory either to those who now occupy lands in this region or to those who may come in the future to make homes upon them. It seems, however, to be the best that we can get under the circumstances, and so we accept it, not because it is perfect, by any manner of means, not because it is satisfactory, by any manner of means, but because it does give certain opportunities for further development.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Illinois.

Mr. MADDEN. Did I understand the gentleman from Wyoming to say that the conferees put new matter into this bill that was not in controversy between the two Houses?

Mr. MONDELL. A section was stricken from the bill in regard to which there was but one small and unimportant amendment, and my notion would be that the conferees exceeded their authority in doing that, and also in adding a few lines to a certain section of the bill.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. I yield to the gentleman from Wyoming two minutes more.

Mr. MONDELL. I think the conferees did the very best they could. I do not intend to criticize the conferees—certainly not the House conferees. My criticism of the bill is not aimed at the House conferees at all. I believe they did the very best they could under the circumstances, and I believe the conference report ought to be accepted because of that fact. I simply called attention to the fact that conditions were such that we could not get all that the conferees would be glad to secure.

Mr. HICKS. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. HICKS. Is it possible for any family to get a living out of 640 acres in raising cattle?

Mr. MONDELL. There are lands in the Western States made subject to entry under this law upon which a family can make a good living on 640 acres. To do that in most cases it will be necessary to cultivate some crops, and that can be done on a portion of almost any entry that would be justified under this law. There are, of course, vast areas where one could not make a living for a family on 640 acres. Such land should not be entered.

Mr. MADDEN. I would like to ask the gentleman from Oklahoma a question.

Mr. FERRIS. Very well.

Mr. MADDEN. I would like to ask the gentleman whether, as one of the conferees, he inserted anything in the report that was not in controversy between the two Houses?

Mr. FERRIS. Technically, I rather think we did; but let me qualify that. The three questions at issue all through the different Senate amendments and which occurred in almost every paragraph were, first, the method of initiating the entry; and, second, the method of making an additional entry; and the third was the method of making residence proof of the claim and the character of the land. In order to harmonize these differences we added to section 2, that was not changed or amended by either body, a paragraph which was acceptable to all parties concerned, harmonizing the differences in the other paragraphs that were changed. I think that in so doing, technically, we exceeded our authority, but literally we did not. As I say, on the second section we put in a proviso which I think was in the direction that the gentleman from Illinois would like to go. It was to prevent speculation. It was to aid in administration. It was necessary to do justice and get an agreement all around.

Mr. MADDEN. The intention was to harmonize the different sections, and that was the purpose?

Mr. FERRIS. Yes; all through the bill. There was a provision in one of the Senate amendments that the settlers should not necessarily reside on it, and I would not consent to that, because that ceased to make it a homestead and invited speculation. The other proposition embodied in one of the Senate amendments allowing the homesteader to buy additional land we thought would lead to speculation and we struck that out, but we did it to harmonize the whole bill and get an agreement.

Mr. EMERSON. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. EMERSON. The gentleman is familiar with the public lands of the West and the acreage and the climate?

Mr. FERRIS. I try to be. I study it a good deal in my committee work.

Mr. EMERSON. Would it be possible to set aside any public lands where there is a proper climate that would be suitable for persons suffering from tubercular trouble?

Mr. FERRIS. I think Arizona or Colorado would be the better place.

Mr. EMERSON. Is there public land which could be set aside for that purpose?

Mr. FERRIS. There are large areas in both States I have named. I yield five minutes to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Speaker, this 640-acre stock-raising homestead bill, as most of the membership of this House know, has been before Congress for the past three years, and several of us have been diligently working for it during all of that time. I introduced the bill in the Sixty-third Congress and reintroduced it on the first day of this Sixty-fourth Congress,

so that the question of the advisability of providing for stock-raising homesteads is not a new subject before Congress.

This bill represents a natural evolution or adaptation of the homestead laws to conditions existing in the public-land States. There are to-day over 250,000,000 acres of unappropriated and unreserved public lands in the United States. This land has been traveled over for 50 years and has not thus far been deemed of sufficient productivity to afford a living for a man and his family upon 160 acres; and since the 19th of February, 1909, the 320-acre enlarged homestead law has been applicable to nearly all of it, and yet it is not taken up.

Land hunger in the United States—that is, the desire and hope to obtain a home, which is one of the noblest instincts of the human race—is greater to-day than ever before. Yet, it is not only folly but almost criminal to invite men with families to go onto a quantity of land that is not sufficient for them to make a living upon. And many of us from the West have for several years felt that the time had come when a new form of homestead law should be enacted to make the settlement a part of those vast areas possible.

This bill will apply to large portions of arid mesas, mountain sides, as well as gulches and rough, broken land, where, by the dry-farming methods and by using crops suitable to the arid regions, a settler can, by acquiring a few head of stock, maintain a home and support himself and family.

There have been some objections to this measure by representatives of large cattle and sheep growers, upon the ground that the bill may interfere with the use of the open public range. On the other hand, some people object to the measure because it is not liberal enough. All of those objections and recommendations have been exhaustively considered, and this bill is a compromise and the best compromise that can be obtained. It does not go as far as I think it might safely go, and there are some restrictions that I think are unnecessary. But it is a long, long and tremendously important step in the right direction. In fact, it marks a very important epoch in the public-land legislation of this country, more even than the passage of the enlarged homestead law, or the enactment of the three-year homestead law, with which I was actively connected. It is true that this bill is not as liberal as either the Senate or House bill; at the same time, if conditions warrant it, Congress can hereafter amend the law, and I feel that we should by all means adopt this report, and I trust the President will approve the measure and that it will be given a fair trial.

The Senate amendment concerning driveways for stock your conferees felt was entirely too broad. While we do not doubt the wisdom of the Interior Department, at the same time we felt that Congress ought to formally express a disapproval of a provision with no limitation, which provides for the withdrawal of land for driveways. I very seriously protested to the Secretary of the Interior and to the conference committee about that Senate provision, and I guess I am not violating any confidence when I say that the last two provisions on that subject were offered by myself and agreed to in conference as an expression of the very emphatic sentiment of your conference committee and the two Public Lands Committees of the Senate and House against this bill being used by the Secretary of the Interior or the Department of Agriculture as a general or unreasonable withdrawal bill. While we fully realize the necessity for reasonable and actual driveways, at the same time we do not want that necessity to be used as an excuse for creating great grazing zones, nor any unreasonable and unnecessary withdrawal of lands that will provide homes.

I feel that the State of Colorado will be benefited enormously by this measure, and I think my congressional district will probably be benefited as much, if not more, than any other district in the entire West by the enactment of this law.

It takes homes to make permanent taxpayers and bring schools and build cities and towns and roads. Lands all over the West that were looked upon as utterly worthless 10 and even 5 years ago are to-day good homes, and in many places there are prosperous cities on former cattle ranges. No one now has sufficient knowledge or foresight to classify our public domain. The people are classifying it every day. The time will probably sometime come when homesteading will practically cease, and there will ultimately, undoubtedly, be some large bodies of land that can not be used for homes, but that time is a long way off yet.

In the State of Colorado, of which I have the honor in part to represent, there are to-day nearly 15,000,000 acres of unappropriated and unreserved public domain outside of the forest reserves, and there are 14,339,904 acres in the forest reserves of Colorado, besides other withdrawals. This law will mean the settlement of, I believe, approximately one-fourth of all the remaining public domain outside of the forest reserves of the

United States, and will add thousands of homes to each of the Western States and put several million acres of land that now appears almost utterly worthless into a productive condition and onto the tax rolls of each of those States.

Before closing, I want to say a kindly word about our former colleague, Congressman Fergusson, of New Mexico, since deceased. He devoted an immense amount of time, energy, and painstaking service to the preparation and support of this bill. His whole heart was in the measure, and among us friends of his on the Public Lands Committee, there is a feeling of sadness that he could not have lived to see the enactment of this law. But his State and the entire West will be greatly benefited by his labor in its behalf.

In order that the record may be correct and that the public may have the benefit of seeing this bill before it is issued by the Government Printing Office as a law, which usually takes some little time, I am going to insert in the RECORD as a part of my remarks a copy of the bill identically as we agreed upon it in conference and as the law will be, which is as follows:

An act (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

Be it enacted, etc., That from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding 640 acres of unappropriated unreserved public land in reasonably compact form: *Provided, however,* That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands."

SEC. 2. That the Secretary of the Interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this act lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that 640 acres are reasonably required for the support of a family: *Provided,* That where any person qualified to make original or additional entry under the provisions of this act shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that the land applied for is of the character contemplated by this act), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of; and if the said land shall be designated under this act, then such application shall be allowed; otherwise it shall be rejected, subject to appeal, but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands.

SEC. 3. That any qualified homestead entryman may make entry under the homestead laws of lands so designated by the Secretary of the Interior, according to legal subdivisions, in areas not exceeding 640 acres, and in compact form so far as may be subject to the provisions of this act, and secure title thereto by compliance with the terms of the homestead laws: *Provided,* That a former homestead entry of land of the character described in section 2 hereof shall not be a bar to the entry of a tract within a radius of 20 miles from such former entry under the provisions of this act, which, together with the former entry, shall not exceed 640 acres: *Provided further,* That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land: *Provided further,* That instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes, of the value of not less than \$1.25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof.

SEC. 4. That any homestead entryman, who has not submitted final proof upon his existing entry, shall have the right to enter, subject to the provisions of this act, such amount of contiguous lands designated for entry under the provisions of this act as shall not, together with the amount embraced in his original entry, exceed 640 acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to \$1.25 for each acre thereof.

SEC. 5. That persons who have submitted final proof upon, or received patent for, lands under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of this act, make additional entry for and obtain patent to contiguous lands designated for entry under the provisions of this act, which, together with the area theretofore acquired under the homestead law, shall not exceed 640 acres, on proof of the expenditure required by this act on account of permanent improvements upon the additional entry.

SEC. 6. That any person who is the head of a family, or who has arrived at the age of 21 years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to the passage of this act, lands of the character described in this act, the area of which is less than 640 acres, and who is unable to exercise the right of additional entry herein conferred because no lands subject to entry under this act adjoin the tract so entered or acquired or lie within the 20-mile limit provided for in this act, may, upon submitting proof that he resides upon and has not sold the land so entered or acquired and against which land there are no encumbrances, relinquish or convey to the United States the land so occupied, entered, or acquired, and in lieu thereof, within the same land-office district, may enter and acquire title to 640 acres of the land subject to entry under this act, but must show compliance with all the provisions of this act respecting the new entry and with all the provisions of existing homestead laws except as modified herein.

SEC. 7. That the commutation provisions of the homestead laws shall not apply to any entries made under this act.

SEC. 8. That any homestead entryman or patentee who shall be entitled to additional entry under this act shall have, for 90 days after

the designation of lands subject to entry under the provisions of this act and contiguous to those entered or owned and occupied by him, the preferential right to make additional entry as provided in this act: *Provided*, That where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the Secretary of the Interior is authorized to make an equitable division of the lands among the several entrymen or patentees applying to exercise preferential rights, such division to be in tracts of not less than 40 acres, or other legal subdivision, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: *Provided further*, That where but one such tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.

Sec. 10. That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior, and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this act.

Sec. 11. That lands containing water holes or other bodies of water needed or used by the public for watering purposes shall not be designated under this act, but may be reserved under the provisions of the act of June 25, 1910, and such lands heretofore or hereafter reserved shall, while so reserved, be kept and held open to the public use for such purposes under such general rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary may, in his discretion, also withdraw from entry lands necessary to insure access by the public to watering places reserved hereunder and needed for use in the movement of stock to summer and winter ranges or to shipping points, and may prescribe such rules and regulations as may be necessary for the proper administration and use of such lands: *Provided further*, That such driveways shall not be of greater number or width than shall be clearly necessary for the purposes proposed and in no event shall be more than 1 mile in width for driveways less than 20 miles in length, not more than 2 miles in width for driveways over 20 miles and not more than 35 miles in length, and not over 5 miles in width for driveways over 35 miles in length: *Provided further*, That all stock so transported over such driveway shall be moved an average of not less than 3 miles per day for sheep and goats and an average of not less than 6 miles per day for cattle and horses.

Sec. 12. That the Secretary of the Interior is hereby authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this act for the purpose of carrying the same into effect.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 407. An act to provide for stock-raising homesteads, and for other purposes; and

H. J. Res. 306. Joint resolution authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 19178. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes; and

H. R. 407. An act to provide for stock-raising homesteads, and for other purposes.

EXTENSION OF REMARKS.

Mr. DILLON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing two letters and a statement from The Adjutant General relative to the amount of the receipts and disbursements during our occupancy at Vera Cruz.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the Record in the manner stated. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether his statement shows what became of the million dollars that was collected at Vera Cruz during the American occupation?

Mr. DILLON. I will say to the gentleman that the letter is dated September 20, and shows that the amount of money deposited at New Orleans in the Subtreasury was \$2,604,051.20 in Mexican money. I telephoned this morning to the office of The Adjutant General and was advised that that money still remained in the Subtreasury at New Orleans.

The SPEAKER. Is there objection?

There was no objection.

DIVERSION OF THE WATERS OF NIAGARA RIVER.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 186, authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River, and to consider the same at this time.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table Senate joint resolution 186. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I have received a good many telegrams from business men in my district urging immediate and favorable consideration of this resolution. As I understand it, it involves further drain on the Niagara River for water-power purposes in New York State. Is that the purpose of it?

Mr. FLOOD. The purpose of this resolution is to authorize the Secretary of War to issue permits for 20,000 cubic feet per second of water to be taken from the Niagara River above the Falls until the 4th day of March, by which time we hope to enact permanent legislation to control and regulate the taking and using of this water.

Mr. BORLAND. The fact that it requires legislation indicates that the Secretary of War has not now the power to issue those permits.

Mr. FLOOD. He has not. The law which gave the Secretary of War such power has expired.

Mr. BORLAND. We are enlarging his power to issue permits to take water out of the river?

Mr. FLOOD. I think the situation is that the water that is being taken from the Niagara River now by the power companies is being taken without any legal authority. Heretofore there has been a law known as the Burton law, which expired on the 4th of March, 1913, authorizing the diversion of 15,000 cubic feet per second of the water which the United States under the treaty was authorized to grant permits for; but that law has expired by limitation. The companies, however, have gone on, and no one has raised an objection to their taking the 15,000 cubic feet. Some time last year the former Secretary of War, probably putting a different construction upon the law from what the present Secretary does, authorized an additional diversion of, I think, twelve or fifteen hundred cubic feet, and this permit was extended by the present Secretary. That has also been diverted, but no more of the 4,400 feet is being diverted.

The purpose of this resolution as we propose to amend it is to authorize the diversion by the power companies with machinery installed for the purpose of generating power of the entire 20,000 cubic feet per second that under the treaty with Great Britain this country has the right to authorize to be diverted for a period from now until the 4th of next March.

Mr. BORLAND. As a matter of principle I am opposed to taking any more water out of Niagara Falls; but, as I understand it, we have a treaty with Canada giving her a right to take a certain amount of water on the Canadian side, and we are taking a certain amount of water upon our side. I would like to have the gentleman explain whether we have yet reached the limit or whether by this resolution we will reach the limit that is now being used by Canada?

Mr. FLOOD. We can not reach the limit. The treaty authorizes Canada to permit a diversion of 36,000 cubic feet per second and authorizes the United States to permit the diversion of 20,000 feet per second, so that Canada has 16,000 cubic feet per second more than we have.

Mr. BORLAND. This resolution authorizes permits to be issued up to the full 20,000 feet per second?

Mr. FLOOD. It does, but the resolution also provides that permits shall not be issued to any companies that have not now the machinery installed to use the water, and the two companies there that will take the water have the machinery installed that will use the 15,600 cubic feet and probably 3,700 cubic feet of the remaining 4,400 cubic feet.

Mr. BORLAND. Let me ask the gentleman this question. Something has been said about Canada having placed an embargo upon the transmission of power into this country. Is that a new proposition, or has not that always been the case, that she refused to permit hydroelectric power to be used except in Canada?

Mr. FLOOD. No; that is a very recent development. The companies that generated power in Canada sold a greater portion of that power in this country, but the Canadian Government reserved the right to require them to cancel their contracts at any time it saw fit. For instance, one company that is a sister company of an American company was exporting 75,000 horsepower to this country. The Canadian Government has recently required them to cut that down to 30,000 horsepower under the contract which the Canadian Government made with that company. It had the right to do that, and instead of 75,000 horsepower coming from that company into this country, only 30,000 is being imported at this time. Another company that was importing 80,000 horsepower into this country has been cut down to 60,000 horsepower. These reductions—and there are others—create a great shortage of power in that community.

Mr. BORLAND. Is that a complete embargo against the transmission of power?

Mr. FLOOD. It is not an embargo at all. The Canadians need the power and they are exercising the right which they reserved in their contract with these companies, to require them to permit the power to be used in Canada instead of the United States.

Mr. BORLAND. Was it contemplated when we made that treaty giving Canada 36,000 cubic feet and the United States 20,000 cubic feet that we were going to use in this country a part of that power generated in Canada?

Mr. FLOOD. I do not think so. I think that might have been the expectation of citizens of America, because they did not think the Canadians would use that much power, and at first they did not need it. But as a result of the European war there has been large industries built up there for the manufacture of munitions of war and other purposes, and they need the power and they need it right now, and the claim is that they have the right to it, as they have.

Mr. BORLAND. Have they a perfect right under their treaty to place any embargo on the transmission of power?

Mr. FLOOD. They have a perfect right under their treaty to require all the power generated from 36,000 cubic feet per second from Niagara River to be used in Canada.

Mr. BORLAND. As I stated a moment ago, I am quite opposed to further inroads upon Niagara River and Niagara Falls.

Mr. FLOOD. I think the gentleman's objection there will be met by this suggestion. This resolution, as the Committee on Foreign Affairs reported it, limits the permits to the 4th of March. There can not be a reasonable objection to taking water from the Niagara Falls during the winter months when there is a tremendous flow of water—

Mr. BORLAND. No; there can not be—

Mr. FLOOD (continuing). And when the scenic beauty of the Falls could not be affected.

Mr. BORLAND. No; there can not be. As I understand the gentleman, it is not contemplated to permit the right to any tremendous increase of their plants or to make any permanent investments there which we will afterwards be required to protect in any way by giving them a continuous permit.

Mr. FLOOD. That is provided for in the resolution.

Mr. BORLAND. The resolution does not permit the enlarging of their plants or for any new plants to be created.

Mr. FLOOD. That is right.

Mr. WINGO. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WINGO. What is the date of the expiration of our treaty with Canada?

Mr. FLOOD. No date is fixed. It can only be terminated by notice.

Mr. WINGO. It is one of those treaties where notice must be given?

Mr. FLOOD. Yes.

Mr. WINGO. I thought I noticed some time ago that this question had been reopened between the two countries. Is that true?

Mr. FLOOD. What was the gentleman's statement?

Mr. WINGO. Has there not been some discussion in a diplomatic way between the two countries over this question in the last few years?

Mr. FLOOD. There has not been.

Mr. WINGO. What is the object of limiting these permits to the 4th of March?

Mr. FLOOD. Well, there are a great many reasons and one is that this is a mere temporary resolution to meet an emergency in the power famine in that section of the country. There is a bill pending before the Committee on Foreign Affairs, which will probably be reported out the early part of next year, which deals comprehensively with all questions of the use of the water from the Niagara River.

Mr. WINGO. It is the intention of the committee to take up the question and present a bill dealing with the matter on a permanent basis?

Mr. FLOOD. Yes; to deal with it permanently.

Mr. FESS. Mr. Speaker, reserving the right to object, I would like to say I would be rather inclined to oppose any further encroachments upon the water of Niagara Falls, and I wanted to ask whether this resolution would set a precedent by which we would be committed to further legislation of this character?

Mr. FLOOD. I should not think so. This is to relieve a temporary situation. There has been this tremendous withdrawal of power from the manufacturers of this country by the Canadian generators of power within the last two months or six weeks, or even within the last two weeks.

Mr. FESS. I understand this treaty limits the amount to be used by both sides?

Mr. FLOOD. It does.

Mr. FESS. Has the gentleman any estimate as to what will be the lowering of the water by this amount of additional water used?

Mr. FLOOD. Well, that is a disputed question. Some gentlemen contend that it will not lower it at all. I think Gen. Bixby testified before the committee two or three years ago that the effect on the beauty of the Falls depended largely upon the lowering of the water from 5 to 10 inches. Gen. Bixby thought it would be probably 5 or not more than 9 inches.

Mr. TEMPLE. Does not that 5 or 10 inches include allowing 20,000 cubic feet to this side and 30,000 to the other side? But the 4,400 cubic feet, it is estimated, would lower the Falls farther only three-fifths of an inch.

Mr. FLOOD. I am not quite certain about that.

Mr. AUSTIN. I would like to ask the gentleman if in the discussion of this resolution before the Senate the Senator from Wisconsin [Mr. LA FOLLETTE] did not make the statement that he had called up the officials of the War Department and they stated that these permits would not interfere with the amount of water or navigation or scenic beauty?

Mr. FLOOD. I do not know what took place in the Senate. I know the Secretary of War was before the Committee on Foreign Affairs in advocacy of this resolution, which was drawn by the War Department. He stated that, in his opinion, it would have no effect on the scenic beauty, but rather believed it would be helpful.

Mr. FESS. May I ask the chairman whether he has any information that this might be a beginning that would lead to a destruction of the scenic beauty of this great natural wonder?

Mr. FLOOD. I think the Committee on Foreign Affairs made a very careful investigation of this question. Most of them have been on the ground and they have reached the conclusion, I believe I speak correctly, that the diversion of this 56,000 cubic feet of water a second will not affect the scenic beauty of the falls.

Mr. MADDEN. Will the gentleman yield?

Mr. EMERSON. Are the Canadians using their 36,000?

Mr. FLOOD. I do not think they are now; but they are preparing to use all of it. They are using part of it.

Mr. MADDEN. Before the gentleman calls for a vote, can I get five minutes?

Mr. FLOOD. Yes, sir.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. FLOOD. Yes, sir.

Mr. CARTER of Oklahoma. In what way does this resolution differ from H. R. 8038?

Mr. FLOOD. This is a mere temporary resolution giving authority to the Secretary of War to issue temporary permits. The bill the gentleman refers to deals with the whole question and provides for the permanent use of this water, and involves such questions as what the Government should charge for it and the regulation of it.

Mr. CARTER of Oklahoma. This bill only provides for the issue of these permits until March?

Mr. FLOOD. The resolution as it passed the Senate was for the 1st of July. The House committee recommended the 4th of March. They cut it down to that date.

Mr. RAINEY. Mr. Speaker, reserving the right to object, does this permit carry with it the entire amount that can be diverted under the treaty?

Mr. FLOOD. It does; but, as I stated just now, it will not be possible to use all the water diverted under the restrictions of this resolution.

Mr. RAINEY. That is, the intention is to have this permit expire on the 4th of March?

Mr. FLOOD. On the 4th of March.

Mr. RAINEY. And to have this diversion stop at that time?

Mr. FLOOD. Yes.

Mr. RAINEY. The Secretary of War is having some trouble in enforcing a permit of that kind at the other end of the Lakes, and the matter is now pending in the courts as to whether he can do it or not.

Mr. FLOOD. He has never had any trouble at Niagara Falls. I think the companies there have complied with every demand the War Department has ever made on them. They are probably using water now they have no legal right to use, but there has been no suggestion that they stop using it.

Mr. RAINEY. Does this resolution provide in any way for compensation of the Government?

Mr. FLOOD. It does not. It is a mere temporary resolution, and we did not think we could get it through if we brought that question into it. The Cline bill, that is pending in the committee and will be reported soon, will deal with that question.

Mr. RAINEY. With so many gentlemen absent to-day, and it being such an important question, involving the principle of compensation, does the gentleman think this is a proper time to follow it?

Mr. FLOOD. I did not know so many gentlemen were going to be absent, but it is the first time except yesterday afternoon that we have had an opportunity to call it up. It is a matter of great importance to the power companies at Niagara Falls and to manufacturers not only at Niagara Falls, but all over the United States.

Mr. RAINEY. I presume that is true.

Mr. AUSTIN. Is it not equally important there that the municipalities have light?

Mr. FLOOD. I presume some of the municipalities will suffer for want of sufficient light.

Mr. RAINEY. I think if the gentleman will permit this to be called on the first day after the holidays I shall not object.

Mr. FLOOD. That will be 10 days, and men will be thrown out of work all over the country. It is therefore very important that we proceed to-day.

Mr. FITZGERALD. I will say to the gentleman from Illinois [Mr. RAINEY] that the withdrawal of this power by Canada has resulted in serious interference with certain manufacturing concerns. Arrangements are now under way to supply this withdrawn power from plants that will be operated as other plants are. The purpose of this is to tide over the period in which these other plants may be developed. And that was the reason the Senate fixed the time until the 30th of June, so that these plants might be completed, equipped, and utilized.

Mr. RAINEY. I will ask the gentleman to call it up later in the day, after I shall have had an opportunity to look into the hearings and to see what the question involved is.

Mr. FLOOD. I will say to the gentleman that this is an amended resolution.

Mr. SMITH of New York. And it has to go back to the Senate.

Mr. FLOOD. It has to go back to the Senate. I just moved to take this resolution from the Speaker's table.

Mr. MANN. Ask the Speaker to lay the Senate resolution before the House.

Mr. FLOOD. Yes; if there is any objection to unanimous consent.

Mr. RAINEY. I will say to the gentleman that there is no quorum present to take that up. I ask the gentleman to let this matter rest for an hour or so.

Mr. FITZGERALD. Before the gentleman does that, I wish he would yield me a minute or two. I wish to make a statement concerning it.

Mr. FLOOD. I yield to the gentleman from New York.

Mr. FITZGERALD. I desire to make this statement now because I shall be compelled to be absent when the bill comes up later in the day. I do not wish to have it go unchallenged that the United States has an unquestioned right to control or dispose of the water of the Niagara River, or to impose any charge for the use of water diverted for commercial purposes. The only right the United States has is to regulate the control of the water in so far as it may affect the navigation of the Niagara River. No one assumes that the purpose of regulating this flow has anything to do with navigation. Half the bed of this river and half the volume of the water of the Niagara River belongs to the State of New York, and if the right to impose a charge for the use of the water is lodged anywhere it is in the State of New York. In my opinion there is very grave doubt whether the United States has any right whatever to regulate the amount of water that shall be taken from the river. I am in sympathy, however, with those who desire to protect the scenic beauty of Niagara Falls, that great wonder of the world; but I shall not sit here representing the State of New York and have it asserted without any dissent whatever that the Federal Government has rights that it did not possess when the State of New York came into the Union, and which the State of New York has never surrendered to the United States. I have never found any satisfactory authority that justifies any claim upon the part of the United States Government to the rights that it has asserted in this matter.

The hydroelectric power that heretofore has been brought into the United States from Canada and has been utilized to operate certain manufacturing establishments in this country has been withdrawn. Those companies are now suffering because of inability to obtain power. It is realized that it would be impossible hereafter to obtain the same amount of power from Canada as heretofore. Arrangements are under way to erect power plants where the power will be generated other than by water power, so as to supply the needs of those manufacturing establishments that heretofore were supplied from Canada. The purpose of this resolution is to tide over the period during which it will be necessary to obtain those new plants.

Every one realizes that the water withdrawn under this resolution will not affect the scenic beauty of the Falls; that it is only to be temporary; and that it is a desirable thing to do. But beyond that I wish it to be understood that there are some who seriously doubt the right of the United States to exercise any authority whatever over the subject.

Mr. COOPER of Wisconsin. Mr. Speaker, I wish to be recognized a moment or two, to reply to the gentleman from New York [Mr. FITZGERALD].

The SPEAKER. The gentleman from Wisconsin is recognized for two minutes.

Mr. FLOOD. I will say to the gentleman from Wisconsin, Mr. Speaker, that we will have the resolution up again this afternoon.

Mr. COOPER of Wisconsin. If the gentleman will permit me, I would like briefly to reply now to the gentleman from New York.

Mr. Speaker, the views as to the authority of a State over the waters of a navigable stream, which have just been expressed by the gentleman from New York [Mr. FITZGERALD], were enunciated a long time ago in that State. I refer to a remarkable decision, embodying in principle that view, made by the famous Justice Kent, of the New York Court of Appeals, in the great case of *Gibbons v. Ogden*. Gentlemen will remember that the Legislature of the State of New York had given the exclusive privilege to Livingston and Fulton to use steamboats in the navigable waters of the State of New York; that litigation arose and that when the case was heard in the highest court of the State the chief justice of that court, James Kent, the author of the famous work, "Kent's Commentaries on American Law," declared, in an elaborate opinion, what the distinguished gentleman from New York has now said, that the authority to control the waters of a navigable stream in the State of New York was in the legislature of the State.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Wisconsin does not think I am making a statement that is identical with the contention in that case. What I said was entirely different, and nobody who listened to me could possibly misunderstand it unless he wished to do it deliberately.

Mr. COOPER of Wisconsin. I did not misunderstand the gentleman.

Mr. FITZGERALD. The gentleman did if he states that the statement which I made was identical with that of Chancellor Kent, although I have a high opinion of the eminent attainments of Chancellor Kent.

Mr. COOPER of Wisconsin. Mr. Speaker, in that case of Gibbons against Ogden, Chief Justice Kent affirmed that a proper construction of the Constitution of the United States required, as did also the dictates of the highest public policy, that the entire authority over the navigable waters in a State was vested, and ought to be vested, in the legislature of the State, under the constitution of the State.

The case was carried to the Supreme Court of the United States. Fortunately for the welfare of the people of this Republic, there chanced at that time to be presiding in the Supreme Court the great Chief Justice John Marshall. He tore to shreds the reasoning and the statesmanship of this decision of Mr. Justice Kent, and in effect, so far as concerns purposes of navigation, forever confirmed in the Congress, under the Federal Constitution, absolute, unlimited authority over all navigable waters anywhere in the United States.

But another opinion, as to what is a lawful control of such navigable waters, is presented in the statement of the gentleman from New York, that the Government of the United States has no authority to control these waters except only for purposes of navigation.

Now, on grounds of the highest public policy that ought not to be the law; and, in my judgment, it is not the law. And the future best interests of the American people demand that it shall not be made the law.

It ought not to be the law because of the immeasurable possibilities of hydroelectric power development; because of such facts as that this power can be carried and successfully used hundreds of miles in every direction from a plant, and that power from one plant can be connected up with power from other plants long distances away, thus making possible, as time will show, such a vast concentration of control of power as the world has never yet seen.

The privilege of using the waters of a navigable stream to generate hydroelectric power is a thing of value. The right to grant or to deny such privilege belongs to the Federal Government; and, therefore, having this authority to be exercised wholly in its discretion, it may in making a grant of such a privilege impose terms and conditions.

That is the wise position for the Government to maintain if it is to look ahead and be careful of the future, and not, as has often been the case in this country, wait until abuses arrive and then be forced into a desperate struggle to remedy them.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I want but one minute more.

The SPEAKER. The gentleman asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. The House resolution, when before the Committee on Foreign Affairs, was amended, as the gentleman in charge of the bill has said, so that these revocable permits would expire by their terms on the 4th of March, instead of on the 1st of July next, as is provided in the Senate resolution. I would not agree that this should come up now under the request for unanimous consent unless that House amendment shall go in before the resolution is considered.

I reserve the right to vote against the resolution.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. RAINEY. Mr. Speaker, still reserving the right to object, I would like to ask the gentleman from Virginia [Mr. Flood] if he would have any objection to inserting at the end of this joint resolution a proviso as follows: "Provided, That the Secretary of War may, in his discretion, impose reasonable rental charges?"

Mr. FLOOD. I do not think that will go through.

Mr. RAINEY. Well, if the bill went through, it would have to go through if we agree on that proposition.

Mr. FLOOD. I do not think the bill will go through with that in it.

Mr. SMITH of New York. Mr. Speaker, I would like to say that the bill will run only two months. It would not be possible for the Public Service Commission of New York to rearrange the rights of these parties, which are now controlled by the public service commission, if a rental were put upon the companies. Another thing: Of course, the tacking on of an amendment like that would surely kill the bill in the Senate, because the Senate has already gone on record against the exacting of a compensation for power.

Mr. RAINEY. The Senate has not gone on record against the exacting of compensation for these privileges any more strongly than the House has gone on record for it.

Mr. SMITH of New York. If this were a plan to continue the permits permanently, we could discuss it more at length; but these permits are to run for only two months, and before these grants will expire the whole question of compensation will come up on this same water power, so that the gentleman will have full opportunity to get a vote, with a quorum present, after a discussion which may last for hours, on the whole subject of compensation.

Mr. RAINEY. May I inquire how it will come up?

Mr. FLOOD. I will say to the gentleman that I am in favor of the proposition which he submits, and I believe the Committee on Foreign Affairs are in favor of it; and they have arranged for the committee to report a bill here dealing with this whole question, and we expect to get it up on the third Wednesday in January, when the call on Calendar Wednesday will rest with this committee.

Mr. RAINEY. Will that bill have reference to this diversion of the water from Niagara Falls?

Mr. FLOOD. Yes. It will deal with no other subject.

Mr. RAINEY. Do the committee expect to stand for the policy which this House has announced so often heretofore?

Mr. FLOOD. I think so.

Mr. RAINEY. If the gentleman can assure me that the bill will contain this provision, I will not object.

Mr. FLOOD. The expressions around the table lead me to believe that undoubtedly the committee will stand for that policy.

Mr. SMITH of New York. The committee have voted favorably for compensation.

Mr. RAINEY. The gentleman assures me that the committee have voted favorably—

Mr. SMITH of New York. Yes.

Mr. RAINEY. To include in the bill which they expect to consider in January a compensation provision?

Mr. SMITH of New York. Yes. I voted against it, but a majority of the committee voted for it.

Mr. FLOOD. They have voted for it, and have appointed a subcommittee to get it into shape to put into the bill.

Mr. RAINEY. Then the chairman assures me that it will be in the bill?

Mr. FLOOD. I think so.

Mr. SMITH of New York. The committee have voted to put it in the bill, and unless the committee should change their minds it will be in the bill.

The SPEAKER. Is there objection?

Mr. RAINEY. The gentleman from Kentucky [Mr. SHERLEY], who has been the leader of the House on this question of compensation—and we have all been following him—is absent from the House to-day, and I see that the other Members of the House who have been making this fight for compensation are largely absent, except myself. If the chairman of the committee will assure me that this will be in the bill to be considered in January, I shall not object, so far as I am concerned, to the consideration of this emergency measure now.

The SPEAKER. What does the chairman of the committee say?

Mr. FLOOD. I can assure the gentleman that it is my belief that it will be in the bill. The committee may change its mind between now and the time of reporting it, but I do not believe it will, and I do not think there is the slightest doubt about it being in the bill.

Mr. RAINEY. I think that is as far as the chairman can go, and I shall not object.

Mr. DAVIS of Texas. Reserving the right to object, I wish to say that I see serious trouble ahead when all the best water power in the country is monopolized by a lot of soulless and conscienceless corporations, and I do not want that to take place. Now, I want to ask, if we fail to give this temporary relief, will it put a lot of plants and cities in the dark and visit a hardship on a lot of people who now obtain power from the Falls?

Mr. FLOOD. It will reduce the light that some cities have. It will reduce the power that a great many manufacturing plants have, and will close up some of them and throw a great many people out of employment.

Mr. MILLER of Pennsylvania. It will throw hundreds and thousands of people out of employment.

Mr. FLOOD. It will affect the entire country. It will affect all the users of acetylene gas. Farmers all over the country will not be able to get the carbide to run their little plants.

Mr. DAVIS of Texas. Are the people who are using this power using it under a permit from the Public Service Commission of New York?

Mr. FLOOD. They are using it under an expired permit from the Secretary of War of the United States.

Mr. DAVIS of Texas. Have they been paying anything to the State of New York for the use of this water?

Mr. FLOOD. No; they have not been paying anybody. They have been paying taxes on their property and franchises.

Mr. SMITH of New York. And paying taxes on their franchises, too.

The SPEAKER. Is there objection?

Mr. DAVIS of Texas. I will not object to the temporary extension.

Mr. COOPER of Wisconsin. I said I should reserve the right to object unless it was understood that that amendment would be made.

Mr. FLOOD. We are certainly going to offer the amendment, and I believe it will be adopted. The gentleman can protect himself, however, by raising the point of no quorum if the amendment is not adopted.

Mr. SMITH of New York. We will put that in.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The joint resolution was read, as follows:

*Resolved, etc., That the Secretary of War be, and he is hereby, authorized to issue permits, revocable at will, for the diversion of water in the United States from the Niagara River above the Falls for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river in additional quantities which, with present diversions, shall in no case exceed the capacity of the generating machinery of the permittee and tenant companies now installed and ready for operation, nor an amount sufficient to enable the permittee to supply the now existing hydroelectric demands of the individuals, companies, or corporations which said permittee and tenant companies are now supplying, but not in excess of the capacity of power-using appliances of said consumers now installed and ready for operation: *Provided, That in no event shall the total quantity of water diverted from said river above the Falls for power purposes exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second: And provided further, That this resolution shall remain in force until the 1st day of July, 1917, and no longer, at the expiration of which time all permits granted hereunder shall terminate, unless sooner revoked; and nothing herein contained shall be held to confirm, establish, or confer in or upon any such permittee any right in or to the water which he is now diverting or which he may be authorized to divert hereunder.**

Mr. FLOOD. I move to amend the joint resolution on page 2, line 4, by inserting, after the word "diverted," the words "in the United States."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, after the word "diverted," insert the words "in the United States," so that it will read:

"Provided, That in no event shall the total quantity of water diverted in the United States from said river above the Falls for power purposes exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second."

The amendment was agreed to.

Mr. FLOOD. Mr. Chairman, I offer the following amendments, which I send to the desk.

The Clerk read as follows:

Page 2, line 8, strike out the word "first" and insert the word "fourth," and, in the same line, strike out the word "July" and insert the word "March," so that the line will read: "This resolution shall remain in force until the 4th day of March," etc.

The amendments were agreed to.

Mr. CARTER of Oklahoma. Mr. Speaker, I wish to say a word in opposition to the resolution.

Mr. FLOOD. How much time does the gentleman wish?

Mr. CARTER of Oklahoma. Just a few moments.

Mr. FLOOD. I yield five minutes to the gentleman from Oklahoma.

Mr. CARTER of Oklahoma. Mr. Speaker, realizing that this resolution was important and an urgent matter, I did not object to its consideration by unanimous consent, but I have been advised that there are some rights of the Seneca Tribe of Indians which may be infringed upon by the passage of a permanent bill. I therefore have asked for this time in order that a letter addressed to me by the Seneca Tribe of Indians may be read to the House.

The SPEAKER. Without objection, the letter will be read in the gentleman's time.

There was no objection.

The Clerk read the letter, as follows:

SIR: The Seneca Nation remonstrates against H. R. 3038, Sixty-fourth Congress, first session, entitled "A bill for the control, etc., of the waters of Niagara River," introduced by Mr. CLINE.

This remonstrance is based upon the ground that the right to divert and use the waters of the Niagara above the great Falls for hydraulic power is in the Seneca Nation, because that right has never been ceded by them since they were confirmed therein by authorization of the treaty of Canadaigua in the year 1794.

The bill above referred to ignores this right to the Senecas and proposes to authorize and continue the use of these waters for hydraulic power in disregard of the rights of the Senecas.

In support of this remonstrance we refer to the documents, matters, and considerations submitted in our behalf to the House Committee on Foreign Affairs in the last session, under date of July 15, 1914. Respectfully submitted.

WILLIAM C. HOAG,
President Allegany-Cattaraugus Society.

WM. T. JONES,
President Chiefs' Council, Tanawca Senecas,
721 Powers Building, Rochester, N. Y.

Mr. FLOOD. Mr. Speaker, I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, the rights of the Federal Government over the waters of Niagara are exactly the same as they are over any other navigable stream in the United States, any inland water; the same rights as are over the Mississippi River, the same as over the Coosa River in my own State, or any other great inland stream where water power may be developed. In addition to this is the fact that Niagara is a boundary stream, an international stream. So that if the Federal Government has the right to make a charge for the use of water at any place in the United States not located on public lands, it has it at Niagara. If a charge for the diversion of water ought to be made by the Government at any place it should be made at Niagara, because there the power is more convenient, is greater, is cheaper of development, and is more valuable than at any other place in the United States and perhaps in the whole world.

It is important in considering this resolution that we should understand exactly what the situation at Niagara is and what has been done heretofore. The power has been developed on a large scale at Niagara for 20 years or more by two concerns—the Niagara Falls Power Co. and Hydraulic Power Co. These concerns acted during a large part of that time solely under charters granted to them by the State of New York. They acted on the theory that the man who owned the banks of the stream had the right to do as he pleased with the water. During all these years this power of immense value has been developed by these two concerns without paying one cent therefor to the people of the United States or to the people of New York, other than as everybody else pays in taxes. They have never paid one cent for this valuable power to anybody, but they have continued to exercise these rights and privileges of untold value, and have been enabled to heap up vast fortunes. We have gone on in our time-honored American way encouraging industry, making millionaires, and depressing the condition of the proletariat.

During all these years these two concerns have been allowed to go on in their own way without regulation, without any attempt to fix the price for the power, or fix conditions upon which they should deliver it. That they have grossly abused the valuable privileges which they have enjoyed no man who has investigated the situation can for a moment deny.

Mr. AUSTIN. Will the gentleman yield?

Mr. HUDDLESTON. If you please, not just now. In 1906 this matter of the regulation of the diversion of water from Niagara came up as a live question in the Congress. At that time we passed what is known as the Burton law. I wish to refer to that law and will extend it in the Record, as follows:

THE BURTON LAW.

[Public, No. 367.]

An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

*Be it enacted, etc., That the diversion of water from Niagara River or its tributaries, in the State of New York, is hereby prohibited, except with the consent of the Secretary of War as hereinafter authorized in section 2 of this act: *Provided, That this prohibition shall not be interpreted as forbidding the diversion of the waters of the Great Lakes or of Niagara River for sanitary or domestic purposes, or for navigation, the amount of which may be fixed from time to time by the Congress of the United States, or by the Secretary of War of the United States under its direction.**

*Sec. 2. That the Secretary of War is hereby authorized to grant permits for the diversion of water in the United States from said Niagara River or its tributaries for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river, or its tributaries, in the State of New York, or from the Erie Canal; also permits for the transmission of power from the Dominion of Canada into the United States, to companies legally authorized therefor, both for diversion and transmission, as hereinafter stated, but permits for diversion shall be issued only to the individuals, companies, or corporations as aforesaid, and only to the amount now actually in use or contracted to be used in factories the buildings for which are now in process of construction, not exceeding to any one individual, company, or corporation as aforesaid a maximum amount of 8,600 cubic feet per second, and not exceeding to all individuals, companies, or corporations as aforesaid an aggregate amount of 15,600 cubic feet per second; but no revocable permits shall be issued by the said Secretary under the provisions hereafter set forth for the diversion of additional amounts of water from the said river or its tributaries until the approximate amount for which permits may be issued as above, to wit, 15,600 cubic feet per second, shall for a period of not less than six months have been diverted from the waters of said river or its tributaries, in the State of New York: *Provided, That the said Secretary, subject to the provisions of section 5 of this act, under**

the limitations relating to time above set forth, is hereby authorized to grant revocable permits, from time to time, to such individuals, companies, or corporations, or their assigns, for the diversion of additional amounts of water from the said river or its tributaries to such amount, if any, as, in connection with the amount diverted on the Canadian side, shall not injure or interfere with the navigable capacity of said river, or its integrity and proper volume as a boundary stream, or the scenic grandeur of Niagara Falls; and that the quantity of electrical power which may by permits be allowed to be transmitted from the Dominion of Canada into the United States shall be 160,000 horsepower: *Provided further*, That the Secretary, subject to the provisions of section 5 of this act, may issue revocable permits for the transmission of additional electrical power so generated in Canada, but in no event shall the amount included in such permits, together with the said 160,000 horsepower and the amount generated and used in Canada, exceed 350,000 horsepower: *Provided always*, That the provisions herein permitting diversions and fixing the aggregate horsepower herein permitted to be transmitted into the United States, as aforesaid, are intended as a limitation on the authority of the Secretary of War, and shall in no wise be construed as a direction to said Secretary to issue permits, and the Secretary of War shall make regulations preventing or limiting the diversion of water and the admission of electrical power as herein stated; and the permits for the transmission of electrical power issued by the Secretary of War may specify the persons, companies, or corporations by whom the same shall be transmitted, and the persons, companies, or corporations to whom the same shall be delivered.

SEC. 3. That any person, company, or corporation diverting water from the said Niagara River or its tributaries, or transmitting electrical power into the United States from Canada, except as herein stated, or violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$2,500, nor less than \$500, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. And, further, the removal of any structures or parts of structures erected in violation of this act, or any construction incidental to or used for such diversion of water or transmission of power as is herein prohibited, as well as any diversion of water or transmission of power in violation hereof, may be enforced or enjoined at the suit of the United States by any circuit court having jurisdiction in any district in which the same may be located, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States.

SEC. 4. That the President of the United States is respectfully requested to open negotiations with the Government of Great Britain for the purpose of effectually providing by suitable treaty with said Government for such regulation and control of the waters of Niagara River and its tributaries as will preserve the scenic grandeur of Niagara Falls and of the rapids in said river.

SEC. 5. That the provisions of this act shall remain in force for three years from and after date of its passage, at the expiration of which time all permits granted hereunder by the Secretary of War shall terminate unless sooner revoked, and the Secretary of War is hereby authorized to revoke any or all permits granted by him by authority of this act, and nothing herein contained shall be held to confirm, establish, or confer any rights heretofore claimed or exercised in the diversion of water or the transmission of power.

SEC. 6. That for accomplishing the purposes detailed in this act the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated from any moneys in the Treasury not otherwise appropriated.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Approved, June 29, 1906.

I read from section 2 of the Burton law as follows:

That the Secretary of War is hereby authorized to grant a permit for the diversion of the water in the United States from said Niagara River or its tributaries for the creation of power to individuals, companies, or corporations which are now actually producing power from waters of said river—

And so on.

By the terms of the act the President was requested to negotiate a treaty with the British Government which would settle the international aspects of the power situation at Niagara.

By section 5 of the Burton law it was provided that the provisions of the act should remain in force for three years from the date of its passage, and that at the expiration of that time the permit granted by the Secretary of War should terminate, and so forth.

During that three years the treaty was negotiated, but was not proclaimed, so that on March 3, 1909, Congress passed a resolution extending the Burton law two years from June 29, 1909.

House joint resolution 262, extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

Whereas the provisions of the act entitled "An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," approved June 29, 1906, will expire by limitation on June 29, 1909; and

Whereas a date for the termination of the operation of said act was provided therein, but with a view to the more permanent settlement of the questions involved by a treaty with Great Britain, and by further legislation appropriate to the situation, and such treaty not having been negotiated, it is desirable that the provisions of said act should be continued until such permanent settlement can be made: Therefore, be it

Resolved, etc., That the provisions of the aforesaid act be, and they are hereby, extended for two years from June 29, 1909, being the date of the expiration of the operation of said act, save in so far, as any portion thereof may be found inapplicable or already complied with.

Approved, March 3, 1909.

The treaty with the British Government was negotiated, and the rights of the respective high contracting parties were fixed thereby. The right of the Federal Government of the United

States to use 20,000 cubic feet per second was agreed upon, and the right of the Canadian Government to take 36,000 feet was fixed.

I extend the treaty in my remarks, as I think the public ought to know its terms:

TREATY SERIES, No. 548—TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN—BOUNDARY WATERS BETWEEN THE UNITED STATES AND CANADA.

Signed at Washington January 11, 1909.

Ratification advised by the Senate March 3, 1909.

Ratified by the President April 1, 1910.

Ratified by Great Britain March 31, 1910.

Ratifications exchanged at Washington May 5, 1910.

Proclaimed May 13, 1910.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION.

Whereas a treaty between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India, to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, was concluded and signed by their respective plenipotentiaries at Washington on the 11th day of January, 1909, the original of which treaty is, word for word, as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a treaty in furtherance of these ends, and for that purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. James Bryce, O. M., his ambassador extraordinary and plenipotentiary at Washington.

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

PRELIMINARY ARTICLE.

For the purposes of this treaty boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways or the portions thereof along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

ARTICLE I.

The high contracting parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country within its own territory not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this treaty shall remain in force this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters and now existing or which may hereafter be constructed on either side of the line. Either of the high contracting parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects of citizens of the high contracting parties and the ships, vessels, and boats of both of the high contracting parties, and they shall be placed on terms of equality in the use thereof.

ARTICLE II.

Each of the high contracting parties reserves to itself or to the several State governments on the one side and the Dominion or Provincial Governments on the other, as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary resulting in any injury on the other side of the boundary shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the high contracting parties intends by the foregoing provision to surrender any right which it may have to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

ARTICLE III.

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one

side, and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbors, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

ARTICLE IV.

The high contracting parties agree that, except in cases provided for by special agreement between them, they will not permit the construction or maintenance on their respective sides of the boundary of any remedial or protective works or any dams or other obstructions in waters flowing from boundary waters or in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary unless the construction or maintenance thereof is approved by the aforesaid International Joint Commission.

It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

ARTICLE V.

The high contracting parties agree that it is expedient to limit the diversion of waters from the Niagara River so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States side of the river under grants of authority from the State of New York, and on the Canadian side of the river under licenses authorized by the Dominion of Canada and the Province of Ontario.

So long as this treaty shall remain in force no diversion of the waters of the Niagara River above the Falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara for power purposes, not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet of water per second.

The United Kingdom, by the Dominion of Canada, or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara for power purposes, not exceeding in the aggregate a daily diversion at the rate of 36,000 cubic feet of water per second.

The prohibitions of this article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation.

ARTICLE VI.

The high contracting parties agree that the St. Mary and Milk Rivers and their tributaries (in the State of Montana and the Provinces of Alberta and Saskatchewan) are to be treated as one stream for the purposes of irrigation and power, and the waters thereof shall be apportioned equally between the two countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country, so as to afford a more beneficial use to each. It is further agreed that in the division of such waters during the irrigation season, between the 1st of April and 31st of October, inclusive, annually, the United States is entitled to a prior appropriation of 500 cubic feet per second of the waters of the Milk River, or so much of such amount as constitutes three-fourths of its natural flow, and that Canada is entitled to a prior appropriation of 500 cubic feet per second of the flow of St. Mary River, or so much of such amount as constitutes three-fourths of its natural flow.

The channel of the Milk River in Canada may be used at the convenience of the United States for the conveyance, while passing through Canadian territory, of waters diverted from the St. Mary River. The provisions of Article II of this treaty shall apply to any injury resulting to property in Canada from the conveyance of such waters through the Milk River.

The measurement and apportionment of the water to be used by each country shall from time to time be made jointly by the properly constituted reclamation officers of the United States and the properly constituted irrigation officers of His Majesty, under the direction of the International Joint Commission.

ARTICLE VII.

The high contracting parties agree to establish and maintain an International Joint Commission of the United States and Canada, composed of six commissioners—three on the part of the United States, appointed by the President thereof, and three on the part of the United Kingdom, appointed by His Majesty on the recommendation of the governor in council of the Dominion of Canada.

ARTICLE VIII.

This International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use or obstruction or diversion of the waters with respect to which, under Articles III and IV of this treaty, the approval of this commission is required, and in passing upon such cases the commission shall be governed by the following rules or principles which are adopted by the high contracting parties for this purpose:

The high contracting parties shall have, each on its own side of the boundary, equal and similar rights in the use of the waters hereinbefore defined as boundary waters.

The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

First. Uses for domestic and sanitary purposes.

Second. Uses for navigation, including the service of canals for the purposes of navigation.

Third. Uses for power and for irrigation purposes.

The foregoing provisions shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

The requirement for an equal division may, in the discretion of the commission, be suspended in cases of temporary diversions along boundary waters at points where such equal division can not be made advantageously on account of local conditions, and where such diversion does not diminish elsewhere the amount available for use on the other side.

The commission in its discretion may make its approval in any case conditional upon the construction of remedial or protective works, to compensate, so far as possible, for the particular use or diversion proposed, and in such cases may require that suitable and adequate provision, approved by the commission, be made for the protection and indemnity against injury of any interests on either side of the boundary.

In cases involving the elevation of the natural level of waters on either side of the line as a result of the construction or maintenance on the other side of remedial or protective works or dams or other obstructions in boundary waters or in waters flowing therefrom or in waters below the boundary in rivers flowing across the boundary, the commission shall require, as a condition of its approval thereof, that suitable and adequate provision, approved by it, be made for the protection and indemnity of all interests on the other side of the line which may be injured thereby.

The majority of the commissioners shall have power to render a decision. In case the commission is evenly divided upon any question or matter presented to it for decision, separate reports shall be made by the commissioners on each side to their own Government. The high contracting parties shall thereupon endeavor to agree upon an adjustment of the question or matter of difference, and if an agreement is reached between them it shall be reduced to writing in the form of a protocol, and shall be communicated to the commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

ARTICLE IX.

The high contracting parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the international joint commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The international joint commission is authorized in each case so referred to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

Such reports of the commissions shall not be regarded as decisions of the questions or matters so submitted either on the facts or the law, and shall in no way have the character of an arbitral award.

The commission shall make a joint report to both Governments in all cases in which all or a majority of the commissioners agree, and in case of disagreement the minority may make a joint report to both Governments or separate reports to their respective Governments.

In case the commission is evenly divided upon any question or matter referred to it for report, separate reports shall be made by the commissioners on each side to their own Government.

ARTICLE X.

Any questions or matters of difference arising between the high contracting parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada either in relation to each other or to their respective inhabitants, may be referred for decision to the international joint commission by the consent of the two parties, it being understood that on the part of the United States any such action will be by and with the advice and consent of the Senate, and on the part of His Majesty's Government with the consent of the Governor General in Council. In each case so referred the said commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

A majority of the said commission shall have power to render a decision or finding upon any of the questions or matters so referred.

If the said commission is equally divided or otherwise unable to render a decision or finding as to any questions or matters so referred, it shall be the duty of the commissioners to make a joint report to both Governments, or separate reports to their respective Governments, showing the different conclusions arrived at with regard to the matters or questions so referred, which questions or matters shall thereupon be referred for decision by the high contracting parties to an umpire chosen in accordance with the procedure prescribed in the fourth, fifth, and sixth paragraphs of Article XIV of The Hague Convention for the pacific settlement of international disputes, dated October 18, 1907. Such umpire shall have power to render a final decision with respect to those matters and questions so referred on which the commission failed.

ARTICLE XI.

A duplicate original of all decisions rendered and joint reports made by the commission shall be transmitted to and filed with the Secretary of State of the United States and the Governor General of the Dominion of Canada, and to them shall be addressed all communications of the commissions.

ARTICLE XII.

The international joint commission shall meet and organize at Washington promptly after the members thereof are appointed, and when organized the commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Each commissioner, upon the first joint meeting of the commission after his appointment, shall, before proceeding with the work of the commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this treaty, and such declaration shall be entered on the records of the proceedings of the commission.

The United States and Canadian sections of the commission may each appoint a secretary, and these shall act as joint secretaries of the commission at its joint sessions, and the commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the commission and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the commission incurred by it shall be paid in equal moieties by the high contracting parties.

The commission shall have power to administer oaths to witnesses, and to take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this treaty, and all parties interested therein shall be given convenient opportunity to be heard, and the high contracting parties agree to adopt such leg-

isolation as may be appropriate and necessary to give the commission the powers above mentioned on each side of the boundary, and to provide for the issue of subpoenas and for compelling the attendance of witnesses in proceedings before the commission. The commission may adopt such rules of procedure as shall be in accordance with justice and equity and may make such examination in person and through agents or employees as may be deemed advisable.

ARTICLE XIII.

In all cases where special agreements between the high contracting parties hereto are referred to in the foregoing articles, such agreements are understood and intended to include not only direct agreements between the high contracting parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrence or reciprocal legislation on the part of Congress and the Parliament of the Dominion.

ARTICLE XIV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of its ratifications. It shall remain in force for five years, dating from the day of exchange of ratifications, and thereafter until terminated by twelve months' written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 11th day of January, in the year of our Lord, 1909.

(Signed) ELIHU ROOT. [SEAL.]
(Signed) JAMES BRYCE. [SEAL.]

And whereas the Senate of the United States by their resolution of March 3, 1909 (two-thirds of the Senators present concurring therein), did advise and consent to the ratification of the said treaty with the following understanding to wit:

Resolved further (as a part of this ratification), That the United States approves this treaty with the understanding that nothing in this treaty shall be construed as effecting or changing any existing territorial or riparian rights in the water, or rights of the owners of land under water, on either side of the international boundary at the rapids of the St. Marys River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters, and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Marys River within its own territory; and further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters and that this interpretation will be mentioned in the ratification of this treaty as conveying the true meaning of the treaty, and will, in effect, form part of the treaty.

And whereas the said understanding has been accepted by the Government of Great Britain, and the ratifications of the two Governments of the said treaty were exchanged in the city of Washington on the 5th day of May, 1910;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said treaty and the said understanding, as forming a part thereof, to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 13th day of May, in the year of our Lord 1910, and of the independence of the United States of America the one hundred and thirty-fourth.

[SEAL.]

WM. H. TAFT.

By the President:
P. C. KNOX,

Secretary of State.

PROTOCOL OF EXCHANGE.

On proceeding to an exchange of the ratifications of the treaty signed at Washington on January 11, 1909, between the United States and Great Britain, relating to boundary waters and questions arising along the boundary between the United States and the Dominion of Canada, the undersigned plenipotentiaries, duly authorized thereto by their respective Governments, hereby declare that nothing in this treaty shall be construed as affecting, or changing, any existing territorial or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Marys River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Marys River, within its own territory; and further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters, and also that this declaration shall be deemed to have equal force and effect as the treaty itself and to form an integral part thereto.

The exchange of ratifications then took place in the usual form. In witness whereof they have signed the present protocol of exchange and have affixed their seals thereto.

Done at Washington this 5th day of May, 1910.

PHILANDER C. KNOX. [SEAL.]
JAMES BRYCE. [SEAL.]

It was contemplated all the time that there would be a general law passed by Congress which upon some permanent, fair, and just plan would fix the terms on which the generating companies operating at Niagara Falls might take the water. But no such general law has ever been passed. The two years mentioned in the resolution of March 3, 1909, went by so that again a resolution of extension was passed. The last resolution of extension expired on March 4, 1913. From that time to this good day, over three years, these power companies at Niagara Falls have been enjoying this great natural resource of the people without any authority of law, without color of right, and without paying one cent for it.

In the resolutions extending the Burton law it was provided, as provided in the original law, that the right to use the water should be given only to those two original companies. Their rights were protected and safeguarded. Competition with them was prevented. Again we find that this resolution that we are considering here to-day also provides that the Secretary of War shall continue to give not to anybody who wants it, not to anybody who is entitled to it and willing to pay for it, but to these same two companies who have enjoyed this great monopoly all these years, the complete and sole use of the water on the American side of this great power site, and that they shall continue to have it. That is done upon the ground of emergency, and that is the explanation given as to why we should at this moment, with Congress in the act of taking its recess for the Christmas holidays and a quorum not in the city, pass this resolution. The resolution before us to-day secures the use of the water to the same two companies, without restriction in the charge they may make, without regulation or restraint. It is as follows:

Joint resolution (H. J. Res. 326) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to issue permits revocable at will for the diversion of water in the United States from the Niagara River above the Falls for the creation of power, to individuals, companies, or corporations which are now actually producing power from the waters of said river, in additional quantities, which, with present diversions, shall in no case exceed the capacity of the generating machinery of the permittee and tenant companies now installed and ready for operation, nor an amount sufficient to enable the permittee to supply the now existing hydroelectric demands of the individuals, companies, or corporations which said permittee and tenant companies are now supplying, but not in excess of the capacity of power-using appliances of said consumers now installed and ready for operation: *Provided*, That in no event shall the total quantity of water diverted in the United States from said river above the Falls for power purposes exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second: *And provided further*, That this resolution shall remain in force until the 4th day of March, 1917, and no longer, at the expiration of which time all permits granted hereunder shall terminate, unless sooner revoked; and nothing herein contained shall be held to confirm, establish, or confer in or upon any such permittee any right in or to the water which he is now diverting or which he may be authorized to divert hereunder.

How have the power companies exercised the valuable rights which we preserve to them so carefully? Have their powers been abused? Why, without any doubt whatsoever. Have the people of western New York been exploited and sweated for the benefit of these corporations? It is undoubtedly true. Not only is that true in the past, but it is true right down to this very day, and we are contemplating the extension and continuation of that exploitation when we adopt this resolution that we have under consideration.

Mr. RAINEY. Mr. Speaker, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. RAINEY. Can the gentleman inform me what disposition the Supreme Court of the United States has made of the case pending there which has reference to the attempt of New York State to give away power at the Long Sault Rapids to a company organized by the Aluminum Co. of North America?

Mr. HUDDLESTON. Mr. Speaker, I would not like to speak upon that subject. I am not prepared to answer the gentleman's question as thoroughly as it should be answered.

Mr. RAINEY. I understand the Supreme Court has just decided against the State of New York.

Mr. HUDDLESTON. I do not wish to enter into a discussion respecting the rights of the United States as to these water-power sites, but I do not think any lawyer will doubt that, if it is necessary to get permission from the Federal Government to use and divert the water, we can grant that permission upon such terms as we choose. [Applause.] I do not think there can be any reasonable doubt upon that subject, and if we give away this valuable power to private interests at Niagara, I want to say that no Member can defend himself in charging or making any terms to dam site users in other parts of the country. The same principle applies to all diversion of navigable waters, with the added reason as to Niagara that it is an international boundary stream.

The power companies at Niagara are still abusing their powers, they are still exploiting the people of Niagara, Buffalo, and western New York. I want to take from the hearings some facts that were laid before our committee in that connection.

I should explain first that they have a different way of doing these things in Canada. They have a different method of handling these things. In Canada there is a hydroelectric commission, which undertakes to stand between the people and these exploiters and monopolists of power generation. The Canadian plan is as follows, as testified to in the hearings:

A number of years ago Sir Adam Beck obtained authority for the hydroelectric commission of the Province of Ontario to purchase or

generate power and distribute it at cost to the municipalities through a transmission line. It went into the cost and found that it could generate power at one site for \$4 and a fraction per horsepower per annum and at another site for \$5 per horsepower per annum. It finally decided upon the price the Ontario company offered of \$9.40. That power was purchased and transmitted by the hydroelectric commission at cost. They purchased it at \$9.40 per horsepower paid the Ontario Power Co. per annum. Then they built the transmission lines as far west as Windsor, opposite from Detroit.

It has been a great success, to such an extent that they have now decided to introduce radial railways; that is, interurban railways supplied with current through the same transmission lines, so as to take care of the valley of the load and more nearly give a flat load line.

The city of Toronto pays \$15 for 24-hour power, but the New York consumer pays \$22.

Mr. SIMS. Per horsepower?

Mr. HUDDLESTON. Yes. Citizens of Canada farther away from the Falls than the New York people who are using the power pay 3 cents a kilowatt hour, and the lowest price I heard of in New York at all where it was given to the people for domestic consumption was 4½ cents per kilowatt hour. The flat price in Buffalo is 8 cents, with 1 cent off where they pay the bill promptly. The city of Cleveland has a municipal plant where they generate power by steam, an expensive method of generation, so it is said. In that city they sell the power at 3 cents per kilowatt hour. Cleveland is getting steam-generated power at 3 cents and Buffalo hydroelectric power at 7 cents. That is not, of course, the price that is paid by the large users, but, so far as I can get any information, the lowest price for which the American companies sell power to the large consumers is \$16 per horsepower, and it runs on up—they charge whatever the traffic will bear. They get all they can. They discriminate at pleasure, and the price in some instances goes as high as thirty-five and forty dollars per horsepower. Over on the Canadian side, where power may be generated, so it is said, for from four to five dollars per horsepower, the commission is buying it from private generators at \$9.40 and selling it at cost to the municipalities and consumers of Canada.

I have no intention to go into this question extensively. I wish merely to bring the situation to the notice of the House. The situation is peculiar. Whether there is an emergency is doubtful, very doubtful, indeed. What are the facts? These two companies at Niagara are taking the 15,000 cubic feet per second that they have been taking all of the time. They have not had any right to take it since 1913, but they are still taking it, and, whether we pass this resolution or not, they will continue to do so.

What more are these companies doing? Why, they went to Secretary Baker last May, and he, in ignorance of what his authority was under the law, gave them the right to take 1,200 cubic feet per second additional, and they took that. This permit expired on the 1st day of November. Did they stop taking it? No; they do not do things that way. They have been going on taking it and are taking it to-day. It is not a case where we are depriving them of anything they have ever had that creates this emergency. They want to take more water; that is why they call it an emergency. They have got a demand for the power, and that is why they want the water to make it.

Mr. LONDON. Will the gentleman permit?

Mr. HUDDLESTON. I will.

Mr. LONDON. If that is the gentleman's opinion, how can he consistently vote for the resolution?

Mr. HUDDLESTON. I do not now intend to do so. We are confronted by a strange situation. These power companies have been so powerful that they have stayed the arm of Congress. Congress has not been able through all these years to write a water bill for the protection of the American people in the development of this water power. [Applause.] That is the situation to which I am calling attention. I doubt whether we will be able during this Congress or any other Congress to pass a law that will justly protect these rights.

Mr. MAYS. Will the gentleman yield?

Mr. HUDDLESTON. I yield to the gentleman from Utah.

Mr. MAYS. I hear of 36,000 cubic feet per second being taken from this river on one side and 20,000 cubic feet per second on the other, and there is a further grant of 15,000 cubic feet per second—

Mr. HUDDLESTON. A further grant of 4,400 cubic feet per second.

Mr. MAYS. Altogether that seems to be like a good deal of dampness. How much water does the Niagara River yield under a normal flow?

Mr. DEMPSEY. About 600,000 cubic feet per second, which is about one-twelfth the total amount.

Mr. HUDDLESTON. The point I am driving at at this time is not the protection of the scenic beauty of Niagara, because

that is another question. But where water is diverted we ought to see that it is taken on fair terms, to the public, taken out in such a manner as to protect the American people. I want to see power from Niagara developed under such regulations and in such manner as to protect the actual users and particularly the small users; the man who wants to use electricity in his home. He is the man to whom we should give chief consideration and see that his interests are protected.

I do not care very much about this so-called emergency of industry. These great industries located at Niagara can run by steam just as well as by water; it is purely a question of economy so far as that is concerned. These industries are of no great interest to the people except in a most indirect way, in a most attenuated way. They give opportunity for the employment of a number of American people. But at what wages? Do the employers take the cheap power into consideration in fixing wages? Oh, no, nothing like that; they hire men to work for the very least wage they can get them for. During August of this year several hundred of the employees of these industries went on a strike on the claim that they were unable to live decently on the wages paid. Labor disputes are as acute in Niagara as they are anywhere else.

The SPEAKER. The time of the gentleman has expired.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the Record. Is there objection. [After a pause.] The Chair hears none.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SMITH].

Mr. SMITH of New York. Mr. Speaker, I doubt if there has been any question before the Congress in the last few years where so much misinformation has been given to the Members as in relation to the development of power at Niagara Falls. It is a fact, as many of you undoubtedly know, that the first great power development in this country was at Niagara Falls. The investors went in there and spent probably \$20,000,000 on what was an experimental plant. They had the courage to put their money into something which they did not know would ever produce a revenue, and years went by without a revenue, without an opportunity to sell their power, but finally the time came when a market appeared. This plant was established and the power was sold, and then another company came in and began developing electric power and that was sold. Now power plants in all parts of the United States have become common, so to speak. These plants at Niagara Falls are operated under exactly the same conditions as other plants throughout the United States. Their rates are regulated by the public service commission of New York. These rates have been reduced within the last three or four years, and, contrary to the statement made by my friend from Alabama [Mr. HUDDLESTON], the rates are not nearly so high in many cases as they are in the Dominion of Canada. The gentleman spoke about rates in Toronto. I have been informed, and I believe reliably, that the rates in the city of Syracuse for Niagara Falls power are lower than in Toronto, although Toronto is 100 miles from Niagara Falls and Syracuse is 160 miles. Speaking of the rate charged in Canada by the Ontario Power Co. being lower than we have on this side, the gentleman from Alabama said the power is sold at \$9 per horsepower. He does not take into consideration, however, the fact that this power is sold at the switchboard, and not to private consumers or municipal plants.

It is to be transmitted to municipalities. It is to be sold wherever it is delivered. Now, I have no doubt that the hydroelectric commission of Canada has established lower rates than we have in the United States, but in many instances power is sold on the American side as low as \$12 per horsepower, and I understand in some cases it is sold even below that. And that illustrates the fact that if the rates are properly regulated by a public service commission there is no danger of extortion by the companies which are transmitting or selling the power.

Mr. MANN. Would the gentleman object if I asked him a few questions concerning this matter?

Mr. SMITH of New York. No.

Mr. MANN. How much water is now being diverted on the American side?

Mr. SMITH of New York. There is about 15,000 cubic feet per second and about 1,200 cubic feet in addition which is being diverted, contrary to the statement of the gentleman from Alabama [Mr. HUDDLESTON], with the express permission of the Secretary of War.

Mr. MANN. The Secretary of War has stated that while he granted such a permit it expired November 1, and he had no legal authority.

Mr. HUDDLESTON. He stated that, but at the same time extended the permit.

Mr. MANN. Did he extend the permit after November 1?

Mr. SMITH of New York. Oh, yes; it has been extended until December 31, until the first unit of a steam plant which is now being erected near Buffalo on Niagara River can be completed.

Mr. MANN. When was it extended?

Mr. SMITH of New York. I believe it was in the middle of November.

Mr. MANN. The Secretary did not make that statement when he was before the Committee on Foreign Affairs on December 2. He said he had not extended it.

Mr. SMITH of New York. The Secretary did extend the permit, and he made a statement regarding the extension to a delegation of which I was a member.

Mr. MANN. There are 1,200 cubic feet per second under which they have some kind of permit.

Mr. SMITH of New York. Yes.

Mr. MANN. And 15,600 cubic feet. Is there any authority from the Federal Government for them to take that?

Mr. SMITH of New York. There is no authority except the treaty.

Mr. MANN. The treaty does not give any authority.

Mr. SMITH of New York. No; except it states the limit.

Mr. MANN. The treaty gives the right to grant authority to them.

Mr. SMITH of New York. The exception in that is this, that the Burton law has given express permission.

Mr. MANN. While it existed.

Mr. SMITH of New York. While it existed.

Mr. MANN. While it existed the Secretary of War notified these companies that if they diverted water to the limit of 36,000 cubic feet he would not permit it? They are using 15,600 cubic feet without any authority of law and 1,200 feet under the permit of the Secretary of War, which was granted without any authority of law, and now it is proposed to expend the entire amount and give them the authority of Congress for the whole amount, 20,000, up to the 4th of March.

Mr. FLOOD. That is it exactly. The gentleman has stated the proposition correctly.

Mr. MANN. That gives them the legal authority for the full 20,000, they not having now any authority at all up to the 4th of March? In view of the past, the fact is that when their permits expired before no attention was paid to the expiration, but they continued to use the same amount of water as they did before. Can the gentleman assure the House that if extension is not granted by Congress, after the 4th of March they will not continue the use of the 20,000 cubic feet just as they please?

Mr. SMITH of New York. I am confident the Secretary of War will prevent them from using any water above that amount.

Mr. MANN. Why? They have no authority to use the 30,000 cubic feet; they have no authority to use the 1,200 cubic feet; and the only authority they will acquire at all for any of it, so far as authority is concerned, will be by the passage of this resolution, which expires by the 4th of March. When it expired before they did not pay any attention to it. They did not pay any attention to the permit issued by the Secretary of War on November 1.

Mr. SMITH of New York. They came before the Secretary of War and got permission.

Mr. MANN. Not after November 1.

Mr. SMITH of New York. There was no part of the 1,200 cubic feet of water diverted by either of the power companies without permission by the Secretary of War. I do not know the dates, but I know that to be the fact.

Mr. MANN. Very well. They have not increased the amount they used without asking permission?

Mr. SMITH of New York. No.

Mr. MANN. And in no case have they cut off the amount they had once acquired by the expiration of the permission. Is not that correct?

Mr. SMITH of New York. No; that is not correct.

Mr. MANN. Where did they cut off any?

Mr. SMITH of New York. Secretary Garrison permitted the diversion of 1,200 cubic feet, and that was cut off. They came back to Secretary Baker, and he issued another permit. But under that permit of Secretary Garrison it was cut off instantly.

Mr. MANN. When was that?

Mr. SMITH of New York. Last summer.

Mr. MANN. He was not there last summer.

Mr. SMITH of New York. I say the permit ran until some time in the summer; I believe in July.

Mr. MANN. And Secretary Baker came in and issued a new permit about April 1?

Mr. SMITH of New York. I have forgotten the date; but I know that Secretary Garrison issued the first permit, and I know that Secretary Baker has told this power company that on December 31 the power will be cut off.

Mr. MANN. How will they cut it off?

Mr. SMITH of New York. Secretary Baker will notify them that it must be stopped.

Mr. MANN. Will they stop it? There is no authority. That is what I want to find out.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SMITH of New York. I would like to have one more minute, Mr. Speaker.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for one minute longer. Is there objection?

There was no objection.

Mr. SMITH of New York. I would like to say to the gentleman from Illinois this: That when the Burton law expired I was opposed to extending it at that time because I believed that we would never get permanent legislation on the subject of this development unless the temporary permits were stopped. When the Burton law did expire the power companies were in the position of closing down their plants or continuing as they had been doing. One of the companies began taking more water than it had before, and I went personally to the Secretary of War and notified him of this fact, and he instantly told this company that if it went beyond the limit provided in the Burton law he would cut off all the water. But he stated at that time—and I think he was entirely correct in it—that Congress had failed to provide a law under which these companies could divert water and produce power, and it was not up to him to prevent the continuation of the operation of the plants.

Mr. MANN. That will be the case after the 4th of March. Congress will not pass any permanent legislation, and the gentleman knows it as well as I do.

Mr. SMITH of New York. So far as I am concerned I would go to the Secretary of War and ask him to reduce these companies down to 15,600 feet.

Mr. MANN. This will give them 20,000 feet. Will the gentleman ask the Secretary of War to cut it all off?

Mr. SMITH of New York. No; I will not, Mr. Speaker, because—

Mr. MANN. The gentleman from New York knows there is a vast distinction between 15,600 cubic feet a second in violation of law and 20,000 cubic feet a second in violation of the law.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. RAINEY].

The SPEAKER. The gentleman from Illinois is recognized for 10 minutes.

Mr. RAINEY. Mr. Speaker, we are about to legalize in this House the illegal acts of certain companies now diverting water from the Niagara River, and we are informed that, in palliation of this procedure, we are going to pass, or attempt to pass, through this House in January a regulatory measure in which the committee will attempt to compel these companies to pay some compensation for the valuable privileges they enjoy there now.

I know of no better place in this country than this to commence exacting compensation from these companies. The statement was made on the floor that power is sold there as cheap or cheaper perhaps than \$12 per horsepower. The evidence available, however, shows that ordinary manufacturers in the American cities near Niagara Falls pay just about as much for their hydroelectric power as they would be compelled to pay for power generated by themselves or by some other company out of coal.

Now, I will undertake to say that an investigation of this subject will show that back of this grab is the Aluminum Co. of America, closely allied with the General Electric, and part of the water-power trust of the United States. The statement has been made on the floor that these factories that now operate with hydroelectric power obtained from the Niagara Falls companies could operate just as well and perhaps just as cheaply with coal, except perhaps they would have to change the organization of their plants. That is true to a large extent. But there is one company up there which could not operate with the power generated by coal, and that is the largest consumer of this power, the consumer who pays the least for it, the Aluminum Co. of North America.

And now I want briefly to review here the history of that company. It could not pay a cent in dividends if it did not have this water power. It owns some small water-power propositions on the Little Tennessee River, which I do not think it utilizes as yet. But if numerous bills, heretofore the subject of much discussion, ever pass they will be able to assemble enough power to establish there a most valuable plant. Aluminum is made out of bauxite, a sort of clay that is dug out of the ground in Arkansas and can be found also down here in Tennessee, Georgia, and Alabama. This company, the Aluminum Co. of America, has acquired its tremendous holdings and pays its tremendous dividends on account of the fact that we have been generous and have given away the power that can be generated there at Niagara Falls without any recompense to this Government.

Prior to 12 or 15 years ago aluminum was almost a precious metal. At that time Prof. Hall discovered a method of making aluminum in electric ovens, and you must have hydroelectric power to do this. Aluminum ware is now manufactured and sold everywhere throughout the world. His discovery resulted in tremendous good to mankind, but his patents were acquired by the Aluminum Co. of America, starting in under the title of the Pittsburgh Reduction Co., operating up here at Pittsburgh.

This company started in 12 or 15 years ago with a cash investment of \$20,000. They never invested another dollar in cash, not one; and to-day they are a \$30,000,000 corporation. They paid in 1912 15 per cent in dividends on a capitalization of \$30,000,000. In 1913 they paid a dividend of 17 per cent on a capitalization of \$30,000,000.

I propose to put into the RECORD here the examination of Mr. Davis, the general manager of that company, before the Committee on Ways and Means of this House. On the cross-examination conducted by the gentleman from Pennsylvania, Mr. Palmer, unfortunately for the country not now a Member of this House, and myself, the facts were developed which I propose now to relate. That gentleman, Mr. Davis, admitted that on the actual cash invested by this company, this company was distributing in 1913—I presume its dividends are much larger now—from 180 per cent to 225 per cent each year. The patents have expired, but the Aluminum Co. of America now control the aluminum business of all the world, and they do it in this way. Their story reads like a tale from the Arabian Nights. I do not know what has become of Prof. Hall, who is entitled to the credit of this invention. I presume he received a small compensation and then went out of the business. Here are the facts with reference to the control of the aluminum industry of the world by this aluminum company, as developed in this cross-examination under the admissions of its own general manager: A few years ago aluminum companies, based on the American patents, were organized in France and in Switzerland, and in Norway and in England. In southern France there are the most splendid water-power possibilities anywhere in the world except at Niagara Falls. A world-trust agreement was prepared by the London representative of the American Aluminum Co. and the manager of the American Aluminum Co. The American Aluminum Co. own the Canadian Aluminum Co. also. He admitted that the agreement was to control world prices. All the 11 aluminum companies in the world are under this agreement to control prices the world over, except in the United States.

Mr. BUCHANAN of Illinois. Is not that an illegal combination?

Mr. RAINEY. I will come to that presently.

Mr. BUCHANAN of Illinois. If it is, they ought to be prosecuted.

Mr. RAINEY. They escaped the antitrust laws of this country by not including the American Aluminum Co., and after they had prepared this contract they submitted it to the Attorney General of the United States, Mr. Wickersham, to know whether it violated in any way the antitrust laws of the United States, and he said it did not. In response to my questions the manager of the Aluminum Co. of America stated that the only reason why they did not include the United States in this agreement was that to have done so would have been in violation of our own antitrust laws. But the agreement was prepared here and prepared by him. It was entered into by his Canadian company and by all the other companies in the world, and so under an agreement made here, approved by the Attorney General of the United States, omitting from its terms the United States company itself, it controls the price of aluminum the world over. This situation has been made possible by the fact that we have given away to these companies, without any recompense whatever, or, rather, we have permitted them to steal from our rivers, the only great national asset we now have.

Under the permission granted me to extend my remarks in the RECORD I herewith incorporate extracts from the examina-

tion of Mr. Arthur V. Davis, representing the Aluminum Co. of America, of Pittsburgh, Pa., conducted before the Ways and Means Committee of this House in January, 1913, which can be found on pages 1486 to 1509, inclusive, of Volume II, schedule C, of the Tariff hearings conducted before the Committee on Ways and Means of the House of Representatives during the third session of the Sixty-second Congress.

The matter referred to is as follows:

Mr. PALMER. But a large number of customers are willing to pay them, and they are willing to buy the foreign product, are they not? Are you not to-day the largest importers of foreign aluminum?

Mr. DAVIS. No, sir. You mean the largest single importer?

Mr. PALMER. Well, yes.

Mr. DAVIS. We might be, but by no means equal to the aggregate. I should like to explain, Mr. Palmer, if I may, in regard to the metal business. You will remember, perhaps, the remark made by Andrew Carnegie, who said, "The metal business is always either a feast or a famine." And that is very true. The only unfortunate part about it is that the famines last for many years and the feasts last for only a few months.

Mr. PALMER. How much is your capital?

Mr. DAVIS. Our capital invested is about \$30,000,000, a large portion of which is reinvested profits. I anticipated your next question.

Mr. PALMER. I was trying to start with the right figures. Is it not nearer \$35,000,000?

Mr. DAVIS. Shall I give you the exact figures?

Mr. PALMER. Yes; if you have them there.

Mr. DAVIS. The capital, as it stands on our books at the end of this month—the end of December; I should say last December—is just a shade over \$30,000,000.

Mr. PALMER. Have you charged something off since the last year or two years?

Mr. DAVIS. We charged quite a lot off year before last.

Mr. PALMER. Have you reduced your surplus in any way?

Mr. DAVIS. We charged quite a lot off year before last.

Mr. PALMER. How much was your total capital and surplus then?

Mr. DAVIS. \$26,000,000 at the end of last year and \$30,000,000 at the end of the year before.

Mr. PALMER. Is that the largest that your capital and surplus have reached?

Mr. DAVIS. Yes, sir.

Mr. PALMER. \$30,000,000?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Or thereabouts?

Mr. DAVIS. Yes, sir.

Mr. PALMER. How long has the Aluminum Co. of America been in business?

Mr. DAVIS. It has been in business since 1890 on its present basis.

Mr. PALMER. As the Aluminum Co. of America?

Mr. DAVIS. No, sir.

Mr. PALMER. How long has the Aluminum Co. of America been in business?

Mr. DAVIS. Perhaps if I may explain it in my own way, I can give you what you wish.

Mr. PALMER. Perhaps we can do better in this way, because I want to save time. This business was started as the Pittsburgh Reduction Co.?

Mr. DAVIS. The Pittsburgh Reduction Co. was started in 1888, and the company merely changed its name without undergoing any other change as to its finances or condition whatever.

Mr. PALMER. What was the capital of the Pittsburgh Reduction Co.?

Mr. DAVIS. The capital of the original Pittsburgh Reduction Co. was \$20,000.

Mr. PALMER. How much of that was cash?

Mr. DAVIS. That was all cash. That company was, however, merely an experimental company. It was a company which was to exploit or test aluminum patents, a patented process, with the agreement that if, at the expiration of a reasonable time, it was decided to continue the manufacture of aluminum under this process that a company should be formed of \$1,000,000 capitalization, so the original \$20,000 can really be ignored, because it really had no existence except temporarily.

Mr. PALMER. And the \$1,000,000 corporation was the Aluminum Co. of America?

Mr. DAVIS. No. The \$1,000,000 company was still the Pittsburgh Reduction Co., and that was about in 1890.

Mr. PALMER. How much of that \$1,000,000 was cash?

Mr. DAVIS. I can not give you that exact figure. It was all either cash or patents.

Mr. PALMER. How much of it was patents?

Mr. DAVIS. I can not give you that exact figure; I do not remember the exact percentage. I have seen your statement, however, in which you state it was some \$700,000, but that is much too large a figure. I am sure it was very much less than that.

Mr. PALMER. Well, the Government in its bill against the Aluminum Co. of America averred that of the original capital of \$1,000,000, \$10,000 was paid for in cash, \$250,000 was to be paid as called for, and the entire balance, \$720,000, was estimated as the value of certain letters patent issued to Charles M. Hall, covering the process for making aluminum. Was that averment true?

Mr. DAVIS. I should say that averment was just as true as any other averment in the bill. There was not a single averment in the bill, except merely categorical statements, that was true at all.

Mr. PALMER. Did you deny that in your answer?

Mr. DAVIS. I think we did.

Mr. PALMER. What is the truth, then?

Mr. DAVIS. The truth is, we had a \$1,000,000 capitalization, of which a certain portion was given to Mr. Hall, the patentee.

Mr. PALMER. Was it as much as \$720,000?

Mr. DAVIS. I am sure it was nothing like that, although I was not familiar with the business at that time, and I do not know just how much it was; and I might say that the books do not show it—the books we have at the present time. I looked to see whether they did show that, but I could not ascertain it.

Mr. PALMER. How long did the capital continue at \$1,000,000?

Mr. DAVIS. For a number of years, when we increased the capital to \$1,600,000 by issuing \$600,000 of preferred stock for \$600,000 in cash. The capital then remained at \$1,600,000 for another period of years, when we issued \$2,200,000 more of common stock, making

the total of common-stock capitalization \$2,200,000, and of this \$2,200,000, \$1,200,000 was for cash and \$1,000,000 was a stock dividend.

Mr. PALMER. \$1,200,000 was cash?
Mr. DAVIS. Yes, sir; and \$1,000,000 was a stock dividend. And then at the expiration of our patents—our patents expired in 1909—or at the end, I think, of 1908, we capitalized the earnings which we had always left in the company, because we paid little or no dividends during all those years; we declared a stock dividend and authorized the issuance of \$20,000,000 worth of stock, but only \$18,750,000 is issued.

Mr. PALMER. Is that all that has been issued?
Mr. DAVIS. Yes, sir.
Mr. PALMER. And since that time you have accumulated a surplus of about \$12,000,000?
Mr. DAVIS. Not since that time. We did not declare it all in the form of a stock dividend, but what the surplus was I can not just state now.

Mr. PALMER. But the undivided profits which you had at that time?
Mr. DAVIS. Yes; and the undivided profits since then.
Mr. PALMER. And you have accumulated since then a surplus amounting to about \$12,000,000?

Mr. DAVIS. Yes, sir.
Mr. PALMER. So that you now have a \$30,000,000 capitalization on which you are earning dividends?

Mr. DAVIS. Yes, sir.
Mr. PALMER. And those dividends are how much on the capital stock?
Mr. DAVIS. We pay 4 per cent on the capital stock.

Mr. PALMER. Four per cent?

Mr. DAVIS. Four per cent; yes, sir.

Mr. PALMER. How much did you earn in 1912?

Mr. DAVIS. In 1912 about 15 per cent.

Mr. PALMER. On the \$30,000,000?

Mr. DAVIS. On the investment; yes, sir.

Mr. PALMER. On the total capital?

Mr. DAVIS. Yes, sir.

Mr. PALMER. How much did you earn in 1911?

Mr. DAVIS. About 17 per cent. That is before we made this large writing off that I spoke of. I do not know just what that would have brought it down to.

Mr. PALMER. How much did you earn before that?

Mr. DAVIS. About the same.

Mr. PALMER. It has been running about 15 per cent, 17 per cent, and 18 per cent.

Mr. DAVIS. Yes, sir.

Mr. PALMER. So that if the Government's averments were correct, which you say are not exactly correct, though you can not give the exact figures, the amount of cash that has actually been contributed to your company is only \$1,810,000 outside of the earned profits?

Mr. DAVIS. If the averment of the Government is correct that would be correct; yes, sir. No; pardon me. I think that is wrong.

Mr. PALMER. I have \$1,200,000; that is the first item which you gave me; \$600,000 in preferred and \$10,000 cash.

Mr. DAVIS. Yes; that is right.

Mr. PALMER. In the original investment; making altogether \$1,810,000.

Mr. DAVIS. Yes, sir.

Mr. PALMER. All the rest of this \$30,000,000, assuming the Government's averment as to the origin of your company as correct, was earned profits?

Mr. DAVIS. Yes, sir.

Mr. PALMER. And that \$1,810,000 is about—

Mr. DAVIS. (Interposing.) I should think it might be just as well if you would calculate on the basis which we estimate is somewhere near correct rather than to calculate on the basis that the Government figures, which we contend is incorrect.

Mr. PALMER. But you can not give me your figures?

Mr. DAVIS. No.

Mr. PALMER. And in the absence of your figures I am bound to take the Government's averment as being approximately correct, because we can not get any figures to change that averment.

Mr. DAVIS. You are familiar, I think, with the ordinary method of filing a bill, and I think you must admit that there are many averments made in a bill that are not very seriously considered, even by those who make the averments.

Mr. PALMER. Suppose we give you the benefit of, say, \$190,000 as being an excess estimate of the amount for which the patent was turned in. That would still leave \$2,000,000 of actual cash money invested in the concern.

Mr. DAVIS. Well, if you should take the original \$1,000,000 it does not make a great deal of difference, and assuming that \$750,000 of that was cash and \$250,000 of it was for the patents—

Mr. PALMER. (Interposing.) You would come nearer to it.

Mr. DAVIS. I think so; yes, sir. I think I would like to change that and say \$600,000 cash and \$400,000. That, perhaps, is nearer my conception.

Mr. PALMER. Even so, the present capital and surplus are from 12 to 15 times the amount of money which was actually paid into the concern.

Mr. DAVIS. Somewhere near that.

Mr. PALMER. So when you earn 15 per cent on your \$30,000,000 you are earning from 180 per cent to 225 per cent on the actual money which was invested in your plant?

Mr. DAVIS. Yes, sir.

Mr. PALMER. That is about correct, is it not?

Mr. DAVIS. I have not checked the figures, but I have no doubt they are correct.

Mr. PALMER. Have you not as much as 90 per cent of the bauxite supply in this country?

Mr. DAVIS. No, sir.

Mr. PALMER. Seventy-five per cent?

Mr. DAVIS. I do not think so; no, sir. I will answer that positively; no, sir.

Mr. PALMER. Where is your bauxite?

Mr. DAVIS. Our bauxite is most altogether in Arkansas.

Mr. PALMER. That is where all of the bauxite is, is it not?

Mr. DAVIS. No, sir. There is a great deal in Georgia, Alabama, and Tennessee.

Mr. PALMER. Where those States corner is where the bauxite is?

Mr. DAVIS. Yes, sir; the bauxite of those States.

Mr. PALMER. Is there bauxite elsewhere in this country?

Mr. DAVIS. In Arkansas; yes, sir.

Mr. PALMER. You do not know what proportion of it you have?

Mr. DAVIS. No, sir.

Mr. PALMER. The Government averred in its suit against you that you had 90 per cent of it.

Mr. DAVIS. Yes.

Mr. PALMER. And did you deny that?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Did you answer as to how much you had?

Mr. DAVIS. No, sir; we do not know. We know approximately how much we have ourselves, and we know of a great many deposits that we do not own.

Mr. PALMER. Are they commercially valuable or being used commercially now?

Mr. DAVIS. No; they are not being used commercially, but they are commercially valuable. At least the owners seem to think they are pretty valuable.

Mr. PALMER. How do you know that?

Mr. DAVIS. Because they have asked us to purchase from them.

Mr. PALMER. You have been trying to get them?

Mr. DAVIS. No, sir; they have asked us to purchase them.

Mr. PALMER. But they are holding them for too much money?

Mr. DAVIS. They are holding them for more than we think they are worth.

Mr. PALMER. What proportion of the bauxite beds which are being commercially used have you got in this country?

Mr. DAVIS. That are actually being operated?

Mr. PALMER. Yes.

Mr. DAVIS. Quite a large portion of them.

Mr. PALMER. Does that run into 90 per cent?

Mr. DAVIS. It might.

Mr. PALMER. The only reason the other bauxite beds are not being used commercially is because there is nobody to sell it to except the Aluminum Co. of America; is not that right?

Mr. DAVIS. That is true to a large extent; that is not absolutely true; no, sir. There is nobody to sell it to in the United States of America to make aluminum out of it except the Aluminum Co. of America, but there is a very large amount of bauxite which is mined and sold to make alum out of, with which we have nothing to do.

Mr. PALMER. That is not large in proportion to the amount used by you, is it?

Mr. DAVIS. I have a figure here which I think I can give you.

Mr. PALMER. What is the proportion?

Mr. DAVIS. I think I have that figure here. In the year 1911 the bauxite which we ourselves shipped to the alum trade was about 46 per cent of the amount which we used ourselves in making aluminum. In addition to what we ourselves sold to the alum trade there was a very substantial amount sold by other people to the alum trade, but as to the exact amount I have no information.

Mr. PALMER. You sold more to the alum trade than the other people, did you not?

Mr. DAVIS. I think it is quite likely. When I say "we sold to the alum trade," I refer to the Republic Mining & Manufacturing Co., which is our company. It mines bauxite for the alum trade.

Mr. PALMER. Are you trying now to buy more bauxite beds?

Mr. DAVIS. Yes, sir.

Mr. PALMER. You are negotiating with the owners of the beds?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Are you trying also to build more water-power plants?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Your present plants are at Niagara Falls, and where else?

Mr. DAVIS. At Niagara Falls and Massena, New York State. We are going to build, if we are permitted to go ahead, if we are not crushed out by the new tariff, a plant on our rather large water power which we have in North Carolina and Tennessee, and it is in order to provide that plant with sufficient bauxite that we are negotiating for supplies of bauxite, for we have only enough bauxite, in our opinion, as a reserve, for a plant of our present size.

Mr. PALMER. Are those water-power plants in North Carolina and Tennessee being developed by you now?

Mr. DAVIS. We are going to start to develop them right away, we expect.

Mr. PALMER. You have not yet built the power plants there?

Mr. DAVIS. No, sir. We have just finished gathering together the necessary riparian rights.

Mr. PALMER. Are you engaged in that same effort elsewhere?

Mr. DAVIS. No, sir.

Mr. PALMER. In other States?

Mr. DAVIS. No, sir.

Mr. PALMER. Are you not interested in water powers, the promoters of which are endeavoring to secure legislation from Congress?

Mr. DAVIS. We purchased several years ago riparian rights on the St. Lawrence River and formed a company called the Long Sault Development Co. If Congress, by the way, had given us an opportunity to develop this water power, we would, no doubt, have a sufficient supply of aluminum now to supply all the demands, so that, so far as Congress is concerned, we think it is invidious for them to refuse us an opportunity to go ahead on this water power and at the same time blame us for not supplying the market with aluminum.

Mr. PALMER. Perhaps Congress did not know it was your water power?

Mr. DAVIS. Yes, sir; I told them so myself.

Mr. PALMER. Are there other water-power developments for which the promoters are trying to secure legislation in your interest?

Mr. DAVIS. No, sir; no others.

Mr. PALMER. Is that the only one?

Mr. DAVIS. That is absolutely the only one. I had the pleasure of speaking to the present chairman about that point the other day, in which I endeavored to explain to him about the water power in Tennessee, on the Clinch River, which it had been said we proposed establishing and with which we had some connection. But we know nothing at all about it and have no connection with it.

Mr. RAINY. You have some water power on the Little Tennessee River, have you not?

Mr. DAVIS. That is in connection with our development in North Carolina.

Mr. RAINY. And that is not very far from the Clinch River?

Mr. DAVIS. I do not know where the Clinch River is.

Mr. RAINY. It is right there; just a few miles away.

Mr. DAVIS. Well, we have no connection with it. We own one water power at Massena, N. Y., called the St. Lawrence River Power Co. That is a company which we bought after it was developed some years ago. Then we purchased these riparian rights that I spoke of on the St. Lawrence River, and incorporated the company called the Long Sault

Development Co., and applied to Congress for the right to develop that power, and we were refused. And thinking it impossible at the present time to do anything with this water power we turned our attention to the Little Tennessee River, and have just finished getting together these riparian rights on the Little Tennessee River. So the undeveloped water powers which we have are this Long Sault Development and this Little Tennessee proposition.

Mr. PALMER. There is no other water power over which you are now seeking control?

Mr. DAVIS. No; absolutely none.

Mr. PALMER. Have you not used as an excuse in writing to several of your customers, who demanded more aluminum than you were willing to let them have, that you have not been able to get legislation through for various projects for water-power development?

Mr. DAVIS. No, sir; we only have the one case, the Long Sault Development Co.

Mr. PALMER. Have you not used that as an excuse to your customers?

Mr. DAVIS. That is not an excuse; it is a fact.

Mr. PALMER. Do you mean you have only had one development?

Mr. DAVIS. Yes, sir. We only have one development, but I can not say we have positively said it was one or two. We may not have disclosed our plans very fully in each individual letter. I can not say. But that is the only water power that we have.

Mr. DAVIS. Our connection with the foreign trade, aluminum trade, is that several years ago, I think about 1899, we built a plant in Canada, on the St. Lawrence River, at a place called Shawanigan Falls. We have been sometimes rather sorry we built that plant, but we felt at that time it was advisable to do it on account of the patent situation. The plant, which is known as the Northern Aluminum Co., and the capital stock of which we own, is selling a portion of its product in Europe.

Mr. PALMER. Have you any connection with foreign aluminum manufacturers on the Continent?

Mr. DAVIS. No, sir.

Mr. PALMER. Have you had contracts with those foreign aluminum manufacturers relative to the disposal of their output?

Mr. DAVIS. You mean the Aluminum Co. of America?

Mr. PALMER. Well, or any of your other companies.

Mr. DAVIS. The Northern Aluminum Co. has; yes, sir; but the Aluminum Co. of America has not.

Mr. PALMER. Those contracts refer to the sale of the European product?

Mr. DAVIS. Yes, sir; the sale of the product. But they have no relation whatever to the United States. Every foreign producer is free to import into the United States without regard to these contracts, and the Aluminum Co. of America is, of course, equally free to export.

Mr. PALMER. Then your only contract is between your Canadian company and the European companies?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Which prevents the European companies from importing into Canada—is that the contract?

Mr. DAVIS. No, sir; that is not the nature of the contract.

Mr. PALMER. What is it?

Mr. DAVIS. Well, the companies agree to subject themselves to certain rules of a committee, both with respect to price and quantity of output, and so forth.

Mr. PALMER. This agreement prevents competition between your Canadian plant and the foreign manufacturers?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Is it successful in preventing that competition?

Mr. DAVIS. Yes, sir.

Mr. PALMER. There is no importing of aluminum into Canada to compete with your Canadian people?

Mr. DAVIS. That is not exactly the way the contract operates. Everybody is free to sell wherever they please; I mean the markets are not divided one to one party and one to another.

Mr. PALMER. What is this agreement? To keep an established price?

Mr. DAVIS. Yes; practically that.

Mr. PALMER. Well, that kills competition, of course?

Mr. DAVIS. Yes; so far as price is concerned; but, as I say, that contract has no relation whatever to the United States, and so far as the United States business is concerned it is a decided detriment from our standpoint?

Mr. PALMER. Why?

Mr. DAVIS. Because these people have got a certain amount of surplus to dump and this is the only place to dump it, the United States, and that is where they send it.

Mr. PALMER. What companies are connected with your Canadian company in a contract? Where do they operate?

Mr. DAVIS. There is a company in Italy; a Swiss company, with plants in Switzerland, Germany, and Austria; two companies, I think, in Norway; some five or six companies in France; two companies in England; and another company in Switzerland independent of the one first spoken of. I think that is all.

Mr. PALMER. That comprises about all the aluminum manufacturers on the Continent?

Mr. DAVIS. Yes, sir; all aluminum manufacturers on the Continent.

Mr. PALMER. Then your Canadian company has a contract with all of the aluminum manufacturers?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Which contract regulates the prices?

Mr. DAVIS. Yes, sir.

Mr. PALMER. What is the price in Canada to-day?

Mr. DAVIS. The price in Canada to-day?

Mr. PALMER. Yes. Is it the same as it is here?

Mr. DAVIS. Yes; the same as it is in England or Italy. Just now it is abnormally high. It has averaged about 12 or 14 cents until just within the last two or three months.

Mr. PALMER. Is there real competition abroad between these various companies which you have mentioned?

Mr. DAVIS. There has been.

Mr. PALMER. Is there now?

Mr. DAVIS. Not now; no, sir.

Mr. PALMER. Why not?

Mr. DAVIS. On account of this contract that I speak of.

Mr. PALMER. Well, I mean in the foreign market; is there real competition?

Mr. DAVIS. This contract covers the foreign market.

Mr. PALMER. As well as the Canadian market?

Mr. DAVIS. Yes, sir.

Mr. PALMER. And the only other territory, then, so far as you are concerned, is the United States?

Mr. DAVIS. Yes, sir; as far as we are concerned.

Mr. PALMER. Did you make an effort at the time to have the United States included within that agreement?

Mr. DAVIS. No, sir.

Mr. PALMER. Why not?

Mr. DAVIS. It was against the Sherman law.

Mr. PALMER. Against the Sherman law for a company in America to make an agreement with a European company?

Mr. DAVIS. Well, I am not enough of a lawyer to tell whether it might be so construed, but we wanted to be absolutely on the safe side and be absolutely a law-abiding company. So we not only made no attempt to make an agreement.

Mr. PALMER (interposing). You made up your mind that you would do nothing that could possibly be construed as a violation of the laws of the United States?

Mr. DAVIS. Yes, sir.

Mr. PALMER. But you have a pretty accurate understanding with those companies over there about the price at all times, have you not?

Mr. DAVIS. Absolutely none, sir. If we had, we would consider that we would be violating the law. I do not think there is a great deal of difference between a secret contract and a written one.

Mr. PALMER. They have made a contract for all the European markets and the Canadian markets between all the manufacturers of aluminum except yourselves, and you now say you are practically competing against a combination which is world-wide?

Mr. DAVIS. No, sir; because none of these companies have any—you mean competing in the United States?

Mr. PALMER. Yes.

Mr. DAVIS. No, sir; because none of these companies have any connection with each other, so far as the United States is concerned. Each of them operates quite independently and without the knowledge of the others at all.

Mr. PALMER. And with no understanding about price?

Mr. DAVIS. Absolutely none.

Mr. PALMER. Is there, in fact, any competition as to price for the American market as between those European companies?

Mr. DAVIS. Absolutely the most open and free, and from every standpoint the most virulent.

Mr. PALMER. Which companies are able to sell the cheapest, the French companies?

Mr. DAVIS. I believe the French people are in a better position; they are in a very much better position than some of the others on account of the fact that they have a 7½-cent tariff, so that the other foreign competitors are obliged to meet their tariff before they can compete with them in their own market.

Mr. PALMER. They make a great deal more aluminum than their own market consumes, do they not?

Mr. DAVIS. Very much.

Mr. PALMER. And they make it cheaper than you can make it?

Mr. DAVIS. Yes, sir.

Mr. PALMER. So the tariff does not do them any good? Their tariff does not do them any good?

Mr. DAVIS. It prevents anybody from sending in metal as a reprisal. I have mentioned that point in my brief, but my recollection is that they have a capacity for about 45,000,000 pounds and they use 6,000,000 pounds only; all the rest of it is exported, so that the French people are really the people that we have to fear, not only because they are in the best position from a manufacturing standpoint, but because they have such a tremendous output as compared to their home markets that they must export it and—

Mr. PALMER (interposing). And they are in a good position because their bauxite and their water powers are very close together.

Mr. DAVIS. Yes, sir; their bauxite is 63 per cent of aluminum as compared to ours of 52 and 55, and they are very close to their water powers and their water powers are very good and cheap.

Mr. PALMER. You will be in a very much better condition to compete with them when you get your Tennessee and North Carolina water powers operating nearer your bauxite, will you not?

Mr. DAVIS. We will be in a somewhat better position; yes, sir; just that much better position.

Mr. PALMER. Now, there is just another point. How many different subsidiary companies has the Aluminum Co. of America?

Mr. DAVIS. It has a good many.

Mr. PALMER. What are they?

Mr. DAVIS. When we readjusted our business at the expiration of our patents we subdivided our various manufacturing businesses into separate corporations. Our bauxite business we put into the hands of a company called the American Bauxite Co. Our alumina business we put into the hands of a company called the Alumina Ore Co. Alumina is the second step in the manufacture of aluminum.

Mr. PALMER. It is refined bauxite?

Mr. DAVIS. Yes, sir; and a very highly finished product. Our carbon business we put into a company called the Electric Carbon Co., and our finished-goods business, our rolling mills and stamp factories, etc., we put into a company called the United States Aluminum Co. We already had the Northern Aluminum Co., of Canada, of which I have just spoken. These are our principal operating companies, and they are really what you might call incorporated departments, as you can see. In addition to that, we have acquired, in one way or another, some few rather unimportant companies. For instance, at Massena we have a real estate company which we call the Pine Grove Realty Co.; and we operate the lighting of the town from our Massena power house, and of course have to have an electric-light company. But these other companies are quite trivial.

Mr. PALMER. You have taken over some bauxite companies, have you not?

Mr. DAVIS. The Republic Mining & Manufacturing Co.

Mr. PALMER. Are those companies owned exclusively by the Aluminum Co. of America?

Mr. DAVIS. Yes, sir.

Mr. PALMER. You own all the stock?

Mr. DAVIS. Yes, sir.

Mr. PALMER. And is the Aluminum Co. of America simply a holding company?

Mr. DAVIS. No, sir; the Aluminum Co. is both the operating company and the holding company. The Aluminum Co. of America makes all of the aluminum.

Mr. PALMER. In the profits which you have given—earnings of 15 and 16 per cent on \$30,000,000—do you include all the earnings of these subsidiary companies?

Mr. DAVIS. All the earnings.

Mr. PALMER. Or simply the dividends paid on the stock of these subsidiary companies?

Mr. DAVIS. No, sir; none of the subsidiary companies pay any dividends. As a matter of fact, since we formed these companies we may have once or twice paid a dividend, but only in an incidental way. These earnings that I referred to are the aggregate earnings of all the companies put together.

Mr. PALMER. How do those earnings get into the Aluminum Co. of America?

Mr. DAVIS. They are held as surplus by the other companies. You see, we only pay 4 per cent dividend, and we can get cash enough for that dividend out of the earnings of the Aluminum Co. of America.

Mr. PALMER. But in figuring this 15 per cent on \$30,000,000 you are not including simply the dividends paid on the stock of the subsidiary companies, but the gross earnings.

Mr. DAVIS. The gross earnings of all the companies.

Mr. PALMER. The net earnings of the subsidiary companies?

Mr. DAVIS. The aggregate net earnings of all the companies as applied against the aggregate capital of all the companies.

Mr. PALMER. What do you call your sales company?

Mr. DAVIS. The sales company is really the Aluminum Co. of America. We make a division of our business at the ingot. The Aluminum Co. of America smelts the ore into aluminum and sells it. If the process is carried further and we roll the ingot aluminum into sheets or into rods or draw it into wire, or make it into any kind of a finished article, that further fabrication is done by the United States Aluminum Co., and it theoretically sells its own product, the same as the Aluminum Co. of America sells its own product, but practically speaking the salesmen consider themselves salesmen for all of the companies and we do not draw any distinction. The distinction between these companies is really a bookkeeping distinction and not an operating distinction.

Mr. PALMER. Are the earnings of this selling company, this United States Aluminum Co., also included within these earnings that you have given us?

Mr. DAVIS. Yes, sir; the earnings of every description.

Mr. PALMER. I think that is all.

Mr. RAINEY. You do not anticipate that French bauxite can penetrate very far into this country, do you?

Mr. DAVIS. French bauxite, at the present time, goes in large quantities to Pittsburgh. That is the farthest that I know it goes.

Mr. RAINEY. And that is as far as you expect it to go, on account of the freight rates?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. These foreign companies do not control the bauxite deposits in France and in the other countries where bauxite is found, do they?

Mr. DAVIS. No, sir.

Mr. RAINEY. I understand the situation to be that you own the Canadian company?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. And the Canadian company controls the foreign companies?

Mr. DAVIS. No, sir; the Canadian company controls no companies.

Mr. RAINEY. Well, it has an agreement with all of the other foreign companies?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. And your company in Canada has a perfect agreement with all the foreign companies?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. Of course, you do not expect your Canadian company to furnish much competition, do you?

Mr. DAVIS. In this country?

Mr. RAINEY. Yes.

Mr. DAVIS. No, sir; naturally not.

Mr. RAINEY. And on account of the agreement of your Canadian company with all of these other foreign companies you would not expect the foreign companies to furnish much competition for you, would you?

Mr. DAVIS. We not only expect it, but we have it. As I tried to explain, this agreement distinctly excludes the United States, and every company under the agreement is at perfect liberty to sell as much as it pleases in the United States and at whatever price it pleases.

Mr. RAINEY. Including the Canadian company?

Mr. DAVIS. Oh, yes; of course, including the Canadian company.

Mr. RAINEY. You do not expect them to do it, do you?

Mr. DAVIS. No; we naturally do not expect them to do a great deal; but there are, I think, 11 other companies, which are free to import into the United States, and the figures show that they do import into the United States.

Mr. RAINEY. But you buy all of their importations?

Mr. DAVIS. Oh, no; by no means.

Mr. RAINEY. Except what is taken by the alum trade. You buy all the rest of it? You buy all that is used in the manufacture of the metal, do you not?

Mr. DAVIS. Well, I think you are getting, perhaps, a little mixed between bauxite and aluminum.

Mr. RAINEY. I am talking about aluminum now.

Mr. DAVIS. No, sir; these foreign manufacturers of aluminum ship their product into the United States.

Mr. RAINEY. And you buy it all?

Mr. DAVIS. No, sir; we buy but very little. We have had enough of our own except during the last two or three months, during this unprecedented demand; and as soon as these present contracts are over we do not expect to buy any more. But during all of these years there has been a heavy importation into the United States direct from these foreign producers to consumers here. We have nothing whatever to do with that.

Mr. RAINEY. Water power is quite an important item in the production of aluminum, is it not?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. The water-power sites in southern France do not amount to very much, do they?

Mr. DAVIS. They are the best in the world, in my opinion, unless you exclude, perhaps, Norway.

Mr. RAINEY. Better than Niagara Falls?

Mr. DAVIS. Yes, sir; on an average. Niagara Falls must be taken as a case by itself.

Mr. RAINEY. Better than your proposed plant up on the St. Lawrence River?

Mr. DAVIS. Yes, sir. Well, I do not know that they are better than that plant; I would not say they were better.

Mr. RAINEY. Then you have two water-power plants that are better than they have in France?

Mr. DAVIS. We do not own any water power at Niagara Falls; we buy power from the power company at Niagara Falls, and our power on the St. Lawrence River we can not develop, so it does not do us much good. The only power we can develop at the present time is the water power on the Little Tennessee River, and that is by no means equal to the water-power plants in either France or Norway?

Mr. RAINEY. I believe that is all.

Mr. HILL. Does your Canadian company, which you own, agree with the European companies as to the price at which the metal shall be sold in Europe only?

Mr. DAVIS. In Europe only. In Europe and Canada.

Mr. HILL. Then it does not affect any other country in the world?

Mr. DAVIS. No, sir.

Mr. HILL. The European companies can sell in any other country except Canada and at any price they please?

Mr. DAVIS. No, sir; you misunderstood me. The agreement covers all of the world except the United States.

Mr. RAINEY. And the only reason why it does not cover the United States is because we have a law here which prevents it?

Mr. DAVIS. I must admit, perhaps, that is a fair way of putting it.

Mr. PALMER. But the United States has a bigger demand than you can supply?

Mr. DAVIS. The United States has had a bigger demand for the past two or three months than we can supply, but for the last years it has had a very much smaller demand than we could supply; and if the conditions go back again, as they seem to be going, if December is to be repeated, the consumption of the United States can be supplied by us very easily. I should like to say that when we went into this boom we had such a heavy stock of aluminum that it actually frightened us, and we did not know exactly how we were going to come out with it. We had been stocking up for four years, and when a manufacturing company reaches that situation it is pretty serious.

Mr. RAINEY. Is it not true that your Canadian company and these foreign companies are on such amicable and friendly relations that it leads to a gentlemen's agreement by which the foreign companies will not interfere with you very much in the United States?

Mr. DAVIS. Absolutely not, sir. I have already answered that question to Mr. Palmer, and would like to reiterate it again to you, that there is absolutely nothing of the sort, and, in fact, just the reverse.

Mr. RAINEY. Does the fact that your Canadian company has a perfect agreement with all of the foreign companies produce a feeling of unfriendliness toward you?

Mr. DAVIS. It produces the keenest competition in this country, because this is the only country in which they can sell. The old saying is that "the proof of the pudding is in the eating of it." Now, the matter of fact is that they imported into this country last year 30 per cent of what we make, which does not look as though there was very much of a gentlemen's agreement.

Mr. HILL. They do not send the aluminum here and put it on sale? It is bought over there, and if it is bought over there it is bought under European terms, is it not?

Mr. RAINEY. What good does the contract that your company in Canada has with the foreign companies do you?

Mr. DAVIS. What good does it do the Aluminum Co. of America?

Mr. RAINEY. Yes.

Mr. DAVIS. It does it no good.

Mr. RAINEY. Why not?

Mr. DAVIS. Because it affects the Northern Aluminum Co.

Mr. RAINEY. Your Canadian Company?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. And you own the Canadian company?

Mr. DAVIS. Yes, sir. I have already stated that.

Mr. RAINEY. And you say it does not help you?

Mr. DAVIS. Not as a manufacturing and selling proposition. It helps as far as our Canadian company is concerned, but not as a manufacturing and selling proposition.

Mr. RAINEY. You have such an agreement as takes you beyond the limitations of the Sherman law, have you not?

Mr. DAVIS. I beg your pardon?

Mr. RAINEY. Your arrangement with this Canadian company and the foreign companies is such that you think you have escaped the penalties of the Sherman law?

Mr. DAVIS. That agreement has nothing whatever to do with this country, as I have stated. The fact that these people are coming into this market and fighting us tooth and nail is enough to take us out of the provisions of the Sherman Act. We have no agreement or arrangement, and nothing about this agreement or arrangement affects the United States in any way, shape, or form, except that I think it makes competition more brisk here than it otherwise would be.

Mr. RAINEY. Are there any foreign companies shipping aluminum to purchasers in the United States?

Mr. DAVIS. Every one of them.

Mr. RAINEY. I thought you just told Mr. Hill that purchasers here went over there and bought from them according to your Canadian agreement.

Mr. DAVIS. No, sir. The brokers buy over there and they sell over here. But the largest portion of this material that is imported into this country is sold by New York brokers who have bought on their own account or who act as agents. Sometimes it is one way and sometimes it is another.

Mr. DIXON. Have you a copy of that agreement with you?

Mr. DAVIS. No, sir.

Mr. DIXON. You would not like to make that a part of the record? Mr. DAVIS. I would have no objection myself, but I think perhaps the other people to the agreement would object. I should like to say in regard to this agreement that I submitted the proposed form of agreement to Mr. Wickersham, and when the agreement was signed I sent him a copy of the signed agreement.

Mr. PALMER. Why did you do that?

Mr. DAVIS. I wanted to be absolutely open and aboveboard with Mr. Wickersham.

Mr. PALMER. He had no jurisdiction over all the rest of the world?

Mr. DAVIS. No, sir; he had not.

Mr. RAINEY. The agreement between your Canadian company and foreign companies you submitted to our Attorney General?

Mr. DAVIS. I sent it to him in order that he might be absolutely cognizant of all the facts.

Mr. RAINEY. Then you made the contract yourself between the Canadian company and the foreign companies?

Mr. DAVIS. Our London representative and myself made the agreement.

Mr. RAINEY. That is all.

Mr. BUCHANAN of Illinois. I ask permission to extend my remarks in the RECORD—

Mr. KEATING. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FLOOD. I ask the gentleman to withdraw that point.

Mr. KEATING. Not while this bill is pending.

Mr. FLOOD. We will pass the bill over. I ask unanimous consent to withdraw the bill.

Mr. RAGSDALE. I object to that.

Mr. KEATING. Then, I insist on my point.

Mr. FLOOD. I would like very much to pass this resolution, and it is exceedingly important that it be passed now; but I realize the fact that there is not a quorum in the city, and if the gentleman insists upon the point of no quorum, I will withdraw this bill and let it go until after the holidays.

Mr. RAGSDALE. I object to the withdrawal.

Mr. HOWARD. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. HOWARD. I ask unanimous consent to ask the gentleman from South Carolina [Mr. RAGSDALE] a question.

The SPEAKER. The gentleman from Georgia asks unanimous consent to ask the gentleman from South Carolina a question. Is there objection?

There was no objection.

Mr. HOWARD. I want to ask the gentleman from South Carolina if he will not withdraw his objection to the request made by the chairman of the Committee on Foreign Affairs? The vocational education bill, a matter in which our section as well as the entire country is greatly interested, will follow this bill immediately, as I understand it.

Mr. FLOOD. No; the Diplomatic and Consular appropriation bill will follow.

Mr. HOWARD. And the vocational education bill will follow the Diplomatic and Consular appropriation bill.

The SPEAKER. The gentleman from Colorado [Mr. KEATING] makes the point of no quorum.

Mr. BUCHANAN of Illinois. May I ask the gentleman from Colorado to withhold his point just a moment, until I can request unanimous consent—

Mr. KEATING. I have no objection to withdrawing the point of no quorum so far as these other bills are concerned. My only desire is not to have a vote on the Niagara power bill to-day.

Mr. BUCHANAN of Illinois. I ask unanimous consent that I may be permitted to extend my remarks in the RECORD by inserting some observations by Arthur MacDonald.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD by inserting some observations of Arthur MacDonald. Is there objection?

Mr. MOORE of Pennsylvania. I ask the privilege of extending my remarks.

Mr. MANN. What is the request?

The SPEAKER. The request of the gentleman from Illinois is that he may extend his remarks by printing some kind of a document prepared by Arthur MacDonald.

Mr. RAGSDALE. A point of order, Mr. Speaker. The gentleman from Colorado has made the point that there is no quorum present.

The SPEAKER. He withheld it to allow the gentleman from Illinois to make his request. Is there objection?

Mr. MANN. Reserving the right to object, I should like to suggest to my colleague that if a matter of that sort is to be printed at all, instead of being printed in the RECORD it ought to be printed as a House document. He ought to introduce a resolution and have it referred to the Committee on Printing, and I am going to object to inserting it in the RECORD, in the hope that my colleague will offer a resolution and have it referred to the Committee on Printing.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and that is the end of it.

LEAVE TO PRINT.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to print in the RECORD as a part of my remarks a statement from the Internal-Revenue Office giving certain figures about internal-revenue collections which I think will be of great value to the Members of the House.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks by including some kind of a document pre-

pared by the Commissioner of Internal Revenue. Is there objection?

Mr. MANN. It is a short document, I suppose?

Mr. McKELLAR. About two columns, not to exceed three.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I ask unanimous consent to extend my remarks in the RECORD on the District of Columbia appropriation bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on the District of Columbia appropriation bill. Is there objection?

There was no objection.

The SPEAKER. Both the gentleman from Colorado and the gentleman from South Carolina make the point of no quorum present. The Chair will count.

Mr. RAGSDALE. Mr. Speaker, I did not make the point of no quorum; I objected to the withdrawal of this particular resolution from the consideration of the House.

The SPEAKER. The gentleman from Colorado makes the point of no quorum.

Mr. FLOOD. The gentleman from Colorado withholds it for the present, and I ask unanimous consent to withdraw from consideration this resolution so that we may go on with the diplomatic bill.

DIVERSION OF THE WATERS OF NIAGARA RIVER.

The SPEAKER. The gentleman from Virginia asks unanimous consent to withdraw the resolution relating to diversion of the waters of Niagara from consideration.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This matter now being before the House in the regular order, is it not the unfinished business of the House when the House adjourns, and will it not be the unfinished business when the House meets again? Will it not continue as unfinished business until displaced by some parliamentary action?

The SPEAKER. The gentleman from Illinois is correct.

Mr. MANN. I think we had better dispose of it now. It could never be called up again except by unanimous consent.

The SPEAKER. That is true, and the gentleman from Illinois objects to the withdrawal of the resolution.

Mr. HARRISON of Mississippi. Mr. Speaker, I understood the gentleman from Colorado to withdraw the point of no quorum.

The SPEAKER. He merely withheld it. The Chair has not put the request of the gentleman from Virginia. Is there objection to the request of the gentleman from Virginia?

Mr. MANN. I object.

Mr. HARRISON of Mississippi. Mr. Speaker, I would like to ask the gentleman from Colorado to withhold his point of no quorum for two minutes.

Mr. KEATING. I am perfectly willing to withhold the point of no quorum in order to give the gentleman an opportunity to make a statement; but here is the point, I am not in a position to withdraw the point of no quorum in order to permit legislation affecting valuable water power.

The SPEAKER. Does the gentleman from Colorado withhold it?

Mr. KEATING. I withhold it for two minutes.

Mr. FLOOD. I will yield two minutes to the gentleman from Mississippi.

Mr. HARRISON of Mississippi. Mr. Speaker, I just wanted to say to the gentleman from Colorado, who has threatened the point of no quorum, that as a member of the Committee on Foreign Affairs I felt a good deal as he feels when the bill came over from the Senate, terminating by the terms of it on the 1st of June. But that has been amended by making it run a shorter time, now expiring 4th of March next. The Committee on Foreign Affairs has been considering for six years legislation dealing with this question, and it has proceeded very far. The bill is almost perfected. It regulates the rates, fixes the compensation, and is one of the most progressive pieces of legislation dealing with the water-power question that has been considered by any committee. This provision in this resolution can not run beyond the 4th of March, and without revealing anything that has taken place in the committee, the sense of the committee has been tested, and we propose to bring out a bill for permanent legislation for the consideration of the House by the 15th of January. Under the rules of the House the next committee after the Committee on Agriculture that has the call of the calendar is the Committee on Foreign Affairs, and we will have two calendar Wednesdays some time in the month of January for the consideration of that bill. I am sure that when the bill comes before the House it will obtain the support

of the gentleman from Colorado, who is always for progressive legislation.

Now, the situation up there is serious. Here is water power that has been coming over from Canada under the terms of the treaty giving life to industry on this side, and because of certain exigencies which have arisen in Canada it is now prohibited, and these plants that have been obtaining power from Canada for the purpose of running street cars and lighting the cities will be stopped unless this bill is passed. That situation will confront the people.

Mr. KEATING. These companies have experienced no difficulty in getting the water in violation of law for a number of years. In all human probability they will go on and violate the law until Congress enacts legislation preventing it.

Mr. HARRISON of Mississippi. They can not do anything beyond the 4th of March.

Mr. KEATING. What is to prevent the Secretary of War from permitting these gentlemen from taking 20,000 cubic feet of water—

Mr. FLOOD. He has not the authority, and he will not violate the law.

Mr. KEATING. He has violated the law. If he can violate the law for 15,000 feet, he can violate it for 20,000 feet.

Mr. FLOOD. He did not know that he was violating the law, and he will not grant any permit that is in violation of law.

Mr. RAGSDALE. The Secretary of War came before the committee and stated that the first time he gave these companies the use of the power it was under a ruling by former Secretary of War Garrison, and he had followed the ruling without making any personal investigation himself. Subsequently he made an investigation and reached the decision that Secretary of War Garrison did not have the legal right, and under no situation would he hereafter grant a permit to use water illegally, but would ask for temporary legislation of Congress.

Mr. HARRISON of Mississippi. Here is part of the wording of the bill: "It shall in no case exceed the capacity of that generated by the permittee company." So there will be no new company created under this provision. It is because they obtain now the power from Canada and can not procure it any longer that this resolution is necessary. It is purely emergency legislation, strictly temporary with the period named. I hope the gentleman will not make his point of order.

Mr. FLOOD. Mr. Speaker, I will yield five minutes to the gentleman from South Carolina [Mr. RAGSDALE].

The SPEAKER. The House must proceed regularly. The gentleman from Colorado made a point of order and withheld it temporarily. The Chair has no disposition to override him or disregard him, but if he wishes to make the point of order he must make it now.

Mr. KEATING. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Colorado makes the point of order that there is no quorum present. The Chair will count.

Mr. KEATING (Interrupting). Mr. Speaker, if the House will indulge me for a moment, I would like to be heard.

The SPEAKER. The gentleman asks unanimous consent to proceed for one minute?

Mr. KEATING. Yes.

Mr. RAGSDALE. Mr. Speaker, I object.

Mr. COOPER of Wisconsin. Mr. Speaker, I demand the regular order.

Mr. HARRISON of Mississippi. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. KEATING] may have two minutes and that the gentleman from South Carolina [Mr. RAGSDALE] may follow him.

Mr. MANN. That is not possible unless the point of order of no quorum is withdrawn.

Mr. KEATING. Mr. Speaker, I withdraw the point of order of no quorum.

The SPEAKER. The gentleman from Colorado withdraws his point.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Colorado such time as he desires—that I may have.

The SPEAKER. The gentleman from Virginia has 16 minutes left, and the Chair will recognize the gentleman from Colorado.

Mr. FLOOD. How much time does the gentleman from Colorado desire?

Mr. KEATING. Just about five minutes.

Mr. FLOOD. I yield that time to the gentleman.

Mr. KEATING. Mr. Speaker, I have withdrawn the point of order because certain distinguished gentlemen in the House, including the chairman of the Committee on Foreign Affairs, the gentleman from Virginia [Mr. Flood], have assured me that

this is a temporary permit, permitting the use of this water until the 4th of March; that the Committee on Foreign Affairs will, on the reconvening of Congress in January next, after the Christmas holidays, report to the House permanent legislation dealing with this subject; and, in addition, I have the assurance of the gentleman who represents the Buffalo district—Mr. SMITH—and other gentlemen on this side of the House that if permanent legislation is not enacted between the reconvening of Congress in January and the 4th of March they will call on the Secretary of War to shut off the water supply of these companies pending the passage of permanent legislation.

Mr. DEMPSEY. That is of the 4,400 extra cubic feet?

Mr. KEATING. No; the understanding is to shut off all; and, Mr. Speaker, I want the Representatives of the Buffalo district to rise here on the floor of this House and give that assurance to the Members of this House. I want the chairman of the Committee on Foreign Affairs—

Mr. FLOOD. I do not understand the gentleman.

Mr. KEATING. I shall repeat my statement for the benefit of the gentleman. I have said that you, as chairman of the Committee on Foreign Affairs, promise to bring into the House permanent legislation respecting this matter when Congress reconvenes in January, and that if that legislation fails to pass, then you, as chairman of the Committee on Foreign Affairs, in charge of this legislation, and the gentleman from New York [Mr. SMITH], and the gentleman representing the Niagara Falls district [Mr. DEMPSEY], will accompany me on the 5th of March, and such other Members of Congress as may be interested, to the office of the Secretary of War, and there demand that the entire water supply be shut off from these companies until they get authority of law to use the water.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. KEATING. Yes.

Mr. FLOOD. Mr. Speaker, I have not the slightest doubt that the Committee on Foreign Affairs will report legislation dealing fully with this question, permanent legislation. My opinion is that the power companies that are using these 15,600 cubic feet of water per second are using it without authority of law, and if we do not enact permanent legislation I shall take great pleasure in going with the gentleman to the Secretary of War and stating my views and insisting that those companies ought to be cut off from the use of any water out of the Niagara River.

Mr. MADDEN. Mr. Speaker, I think that is an outrageous demand for any Member of Congress to make, and no such agreement ought to be entered into.

The SPEAKER. The gentleman from Illinois has not the floor.

Mr. FLOOD. It meets absolutely with my views on the question, and I shall be glad to accompany the gentleman to the Secretary of War and state my views.

Mr. MADDEN. If that agreement is entered into, I shall make the point of order of no quorum.

Mr. KEATING. Mr. Speaker, I shall now ask whether I have correctly stated the views of the gentleman from the Niagara Falls district [Mr. DEMPSEY]?

Mr. DEMPSEY. Mr. Speaker, the gentleman has not correctly stated my views. I do not agree with the view that the Niagara Falls Power Co. has not the legal right to use the 15,600 cubic feet. They started to use that power under State authority, and as they supposed rightfully, and they have so continued to use it since that time. The question of whether or not they have the right to use it from the United States is a legal question about which there is much debate.

Mr. FLOOD. Mr. Speaker, I would like to know how the gentleman from New York [Mr. DEMPSEY] got the floor. He is not using my time, is he?

The SPEAKER. He obtained the floor in the five minutes that the gentleman from Virginia yielded to the gentleman from Colorado. The gentleman from Colorado propounded a question to the gentleman from New York and he is trying to answer it.

Mr. DEMPSEY. Mr. Speaker, I think that it is a debatable question, a closely debatable question, whether or not the United States has given those power companies the right to use the 15,600 cubic feet. Personally I think they have the right. I would not have any right as a Representative of that district to say that I would ask them or ask the Secretary of War or ask anyone else to waive any rights that they have.

Mr. KEATING. Mr. Speaker, if the gentleman will pardon me, his explanation is quite sufficient, and I now make the point of order of no quorum.

Mr. HARRISON of Mississippi. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. KEATING. No; it is unnecessary.

Mr. FLOOD. Mr. Speaker, I ask the gentleman to withhold his point.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this a moving-picture show?

The SPEAKER. That is not a parliamentary inquiry. Does the gentleman withhold his point of no quorum?

Mr. KEATING. For the purpose of permitting the gentleman from Virginia to ask for a postponement of this measure.

Mr. DEMPSEY. Mr. Speaker, the gentleman said that he would yield me the floor; that he would withhold his point in order that I may be heard for five minutes upon the merits.

Mr. KEATING. It is useless to do that now.

Mr. COOPER of Wisconsin. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the gentleman from Virginia [Mr. Flood].

Mr. FLOOD. Mr. Speaker, I move that the further consideration of this measure be postponed until the 2d day of January, 1917.

The SPEAKER. The gentleman from Virginia moves that the further consideration of this joint resolution be postponed until the 2d day of January.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the motion prevails when the House meets on the 2d day of January will this be the business before the House—

The SPEAKER. The Chair thinks—

Mr. FLOOD. I would ask to amend my motion by making it the 3d day of January.

Mr. MANN. That motion is not in order because the 3d day of January is Calendar Wednesday, and the House can not do that.

Mr. FLOOD. Well, the 4th day of January.

The SPEAKER. Answering the gentleman's parliamentary inquiry, if that motion prevails the Chair thinks that it is the duty of the Speaker the first thing after the reading of the Journal, and so forth, on the 4th day of January to declare this bill the unfinished business.

Mr. FITZGERALD. Unless the motion is made to consider appropriation bills.

The SPEAKER. Of course, the consideration of appropriation bills is always in order. The question is on the motion of the gentleman to postpone the consideration of Senate joint resolution No. 186 until the 4th day of January.

The question was taken, and the motion was agreed to.

MILEAGE TO OFFICERS AND EMPLOYEES.

Mr. BUCHANAN of Illinois. Mr. Speaker, I would like to ask unanimous consent to take up for consideration the resolution which I send to the Clerk's desk. Due to the fact that the employees of the House and Senate had to go home during the campaign, it seems to me this would be a very nice Christmas present to give them in order to afford them an opportunity to go home for the Christmas holidays, as the Members are at the present time doing.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the concurrent resolution, which the Clerk will report by title.

The Clerk read as follows:

Concurrent resolution (H. Con. Res. 66) authorizing the payment of mileage to officers and employees of the Senate and House of Representatives.

The SPEAKER. Is there objection?

Mr. MANN. I ask to have the resolution reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, directed to pay out of the contingent funds of the Senate and House of Representatives, to the officers and employees of the Senate and House of Representatives, including clerks to Members, Delegates, and Resident Commissioners, and the Capitol police, borne on the annual and session rolls on the 4th day of December, 1916, mileage at the rate of 5 cents per mile, each way, to be estimated by the nearest route usually traveled in coming from and returning to their homes.

The SPEAKER. Is there objection?

Mr. FITZGERALD. I object.

The SPEAKER. The gentleman from New York objects.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. FESS was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Moses Walton (H. R. 3955, 64th Cong.), no adverse report having been made thereon.

OSAGE INDIAN SCHOOL, OKLAHOMA.

Mr. TILLMAN. Mr. Speaker, I take it for granted there will be no opposition to the consideration of the bill which I now ask to have considered by the House—

Mr. MANN. The gentleman ought not to take anything for granted.

Mr. TILLMAN (continuing). So I will ask unanimous consent to take up the bill S. 6864.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of the Senate bill—

Mr. MANN. Where is the Senate copy. There is no use reading that unless the Clerk has the Senate engrossed copy.

The SPEAKER. Where is the official engrossed copy of this bill?

Mr. TILLMAN. I had supposed the Clerk had possession of it.

Mr. FLOOD. I think we had better go on with the Diplomatic and Consular appropriation bill in the meantime, Mr. Speaker, while they are hunting for that bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

S. 6864. An act to provide for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from January 1, 1917.

Mr. MANN. Mr. Speaker, I ask to have the bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the third paragraph of section 4 of the act of June 28, 1906 (34 Stats. L., p. 539), is hereby amended to the extent that the moneys therein provided for support for Osage schools may be used in the discretion of the Secretary of the Interior for the same purposes as provided in said paragraph for a further period of not exceeding 10 years from the 1st day of January, 1917, on the condition of establishing vocational instruction in such schools.

The committee amendments were read, as follows:

Line 7, page 1, after the word "used," strike out the words "in the discretion of the Secretary of the Interior."

Line 10, page 1, strike out the words "not exceeding 10 years" and insert in lieu thereof the words "one year."

Line 1, page 2, after the word "seventeen," strike out the comma and the words "on the condition of establishing vocational instruction in such schools."

Amend the title of the bill by striking out the words "ten years," in the second line thereof, and inserting the words "one year."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as the bill itself is so drawn that it gives absolutely no indication whatever of what it means, I suggest the gentleman explain to the House, so it will get some intelligent idea of what it is about.

Mr. TILLMAN. Mr. Speaker, for many years this Indian school has been conducted at Pawhuska, Okla. These Osage Indians are the wealthiest, per capita, of all the tribes. There are about 2,500 of them. There is a disposition upon the part of some of the Osages to close the school; others of the tribe desire it to be continued.

It is the desire of your Committee on Indian Affairs to investigate this school, with others, next summer. The Secretary of the Interior, Mr. Lane, recommends that the school be continued for 10 years. The gentleman from Oklahoma [Mr. DAVENPORT], in whose district this school is located, thinks it should be discontinued at once. The House Committee on Indian Affairs thinks that it ought to be continued for another year, in order to give this committee time to investigate as to whether it is desirable to continue it further. It does not involve an expenditure of a cent of Federal money. The school is financed from the funds of the Osage Indians.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Arkansas moves that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: "An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of one year from January 1, 1917."

DIPLOMATIC AND CONSULAR SERVICE.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19300.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, with Mr. ADAIR in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19300, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Chairman, I want to make a very brief statement in reference to this bill. I want to say that it carries an aggregate appropriation of \$5,165,746.60. The current appropriation bill for the Diplomatic and Consular Service appropriated five million three hundred and fifty-five thousand and some odd dollars. We have reported in this bill one hundred and eighty-nine thousand and some odd dollars less than was appropriated in the bill for the same purpose for the current year.

A comparison of the estimates for 1918 with the law making appropriations for the fiscal year ending June 30, 1917, follows:

Appropriations carried by law for 1917	\$5,355,096.66
Items increased for 1918:	
Secretaries and counselors, etc.	\$14,000.00
Transportation, diplomatic and consular officers	75,000.00
International Boundary Commission, United States and Mexico	2,500.00
Waterways treaty, United States and Great Britain	6,000.00
Salaries of Consular Service	139,000.00
Salaries of consular assistants	10,380.00
Post allowances, diplomatic and consular officers	75,000.00
Salaries of interpreters	5,000.00
Expenses of interpreters, etc.	5,000.00
Contingent expenses, United States consulates	57,000.00
	388,880.00
New items estimated for in 1918:	
Embassy building at Petrograd	350,000.00
Legation building, Managua, Nicaragua	80,000.00
Seamen's Mission, Rio de Janeiro	50.00
	430,050.00
	6,174,026.66
Items decreased for 1918:	
Boundary line, United States and Canada	6,000.00
Salaries and expenses, United States Court for China	2,400.00
	8,400.00
Items eliminated for 1918:	
Salaries, marshals for consular courts	\$10,000.00
Consular building, Shanghai	355,000.00
Consular building, Habana	100,000.00
	465,000.00
	473,400.00
Amount of estimates for 1918	5,700,626.66
Total estimates for 1918	5,700,626.66
Total appropriations in law for 1917	5,355,096.66
Net increase in estimates for 1918	345,530.00

NOTE.—The following items of reappropriation are carried by the draft of bill:

Nineteenth Conference Interparliamentary Union	\$40,000.00
International Commission on Public and Private International Law	15,000.00
Fifth International Conference of American States	75,000.00

Total of reappropriations 130,000.00

We carefully considered every item of the accompanying bill, especially those items where increases over the actual appropriations were asked for, and the new items proposed in the estimates, as will be shown by the hearings had before the committee.

We also investigated the expenditures made by the several commissions and boards, under the supervision of the Department of State, as will also be shown by the printed hearings.

The appendix to the letter of estimates, prepared by the Department of State, gives so fully the reasons for asking for increases in certain appropriations, as well as for the new, and other items carried by the accompanying bill, the committee

deems it useless to repeat them herein. This document is attached to this report for the information of Members.

We have made every effort to keep the total appropriations carried by the bill within the bounds of reasonable economy, and yet not impair the efficiency of the Diplomatic and Consular Service. This end your committee believes has been attained, notwithstanding the fact that the total appropriations carried by this bill show a very substantial decrease as compared with the total appropriations for the year 1917—to wit, \$189,350.

The changes made in the accompanying bill, as compared with the Diplomatic and Consular appropriations for 1917, are shown in detail by the table following:

Items increased over law of 1917:	
Waterways, United States and Canada	\$6,000.00
Salaries in Consular Service	69,500.00
Post allowances	50,000.00
Salaries of interpreters	5,000.00
Expenses of interpreters	5,000.00
Contingent expenses, United States consulates	28,500.00
	164,000.00
New items in bill for 1918:	
For purchase of legation premises at Costa Rica	\$40,000.00
For purchase of legation premises at Nicaragua	80,000.00
Contribution to Seaman's Mission at Rio de Janeiro	50.00
	120,050.00
Total increases	284,050.00
Items eliminated from law of 1917:	
Salaries, marshals for consular courts	10,000.00
Consular building, Shanghai	355,000.00
Consular building, Habana	100,000.00
	465,000.00
Items decreased for 1918:	
Boundary line, United States and Canada	6,000.00
Salaries and expenses United States court, China	2,400.00
	8,400.00
	473,400.00
Total of decreases (as above)	473,400.00
Total of increases (as above)	284,050.00
Net decrease in total appropriations carried by law for 1917	189,350.00
Total of appropriations carried by the law for 1917	5,355,096.66
Total of appropriations carried by bill for 1918	5,165,746.66
Net decrease in bill for 1918	189,350.00

We deem it proper to say that the continuance of the almost world-wide war has devolved upon our entire Diplomatic Service a large amount of labor as well as unavoidable expense, to meet which conditions the increases carried by the accompanying bill your committee deem just and adequate.

We have made an additional appropriation for the Consular Service of \$69,500 to enable the State Department to increase our consulates in South America and Russia, and have increased the contingent fund appropriated for our consulates by \$28,500, which will just cover the expense of the additional consulates.

The committee worked very hard over this bill and feels quite proud of the result of its labors. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. On the subject of the Consular Service, the gentleman indicates there has been some increase in the bill. Does that increase mean that some of these very poorly paid consuls of ours in foreign countries—that is, consuls and consular agents—are going to get any more money?

Mr. FLOOD. No; it does not mean that. The increase here is for the purpose of increasing the number of consuls, and the increased appropriation here will go to these new consuls.

Mr. MOORE of Pennsylvania. I want to ask the gentleman why it was not possible by this bill to make provision for increased pay for some of our very poorly paid consuls, in view of the high cost of living that prevails in Europe?

Mr. FLOOD. So far as the high cost of living is concerned, we make an appropriation in this bill of \$200,000 to enable the President to add to the allowances of diplomats and their secretaries and to consuls. This fund is carried in the current law to enable the President to adjust salaries and allowances to these officers to meet the high cost of living.

Mr. MOORE of Pennsylvania. That would be only in the matter of expenses, would it not? It would not be in the way of emolument or salary?

Mr. FLOOD. It is the same thing. It is an allowance to meet the high cost of living—an increased appropriation for that specific purpose.

Mr. MOORE of Pennsylvania. The gentleman knows that in some countries, particularly in the Far East, the expenses of transportation and hotel expense have increased so enormously that some of our consuls have been obliged to suggest that they would leave the service unless they could be better paid.

Mr. FLOOD. Some of them have left the service, and have gotten much higher remuneration than when in the service. Some of those who have left have been quite a loss to the service, but I think it would be a good thing for the service if some who are still in the service did leave it.

Mr. MOORE of Pennsylvania. I do not know that I will agree with the gentleman as to that, because consuls are men who should have experience, and you can not dress up a new man and make him a consul all at once. Some of them are getting \$1,500 in countries where they have to fraternize with foreign potentates, and it is mighty difficult for them to do it on the income they receive.

Mr. HARRISON of Mississippi. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HARRISON of Mississippi. I cite to the gentleman, on page 23 of the bill, this provision:

To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular and diplomatic officers in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, \$200,000.

Mr. MOORE of Pennsylvania. The gentleman from Virginia answered that no extra compensation was provided for.

Mr. FLOOD. I say that no salary was increased. I stated that we had an item in the bill for \$200,000 to enable the President, in his discretion, to make allowances to diplomatic and consular officers to adjust their official incomes to the additional high cost of living in most of the countries of the world.

Mr. MOORE of Pennsylvania. I want the gentleman to know that I am not fishing for any political information at all. We are prone to do that.

Mr. FLOOD. The gentleman is mistaken in saying that any particular consul gets less than \$1,500 a year.

Mr. MOORE of Pennsylvania. Well, some of the vice consuls do.

Mr. FLOOD. Some of the vice consuls do not get anything.

Mr. MOORE of Pennsylvania. And some of the consular agents also.

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. And some of them have to keep up their status as American representatives with officials of other nations that are much better paid and who have fixed habitations provided for them by their own governments.

Mr. FLOOD. The Committee on Foreign Affairs deemed it unwise to increase the salaries of any persons in the Diplomatic and Consular Service, except these temporary increases which the President is allowed to make owing to the high cost of living.

Mr. MOORE of Pennsylvania. I take advantage of this opportunity in the gentleman's time to say that it has come to my attention that some cases of severe hardship have resulted from the increase in the cost of living in some of the foreign countries, so far as some of our representatives are concerned. It has been due largely to the question of transportation; the fact that they have been removed from one place to another, and the fact that the transportation rates have been increased and the cost of living has increased, and the fact that their compensation has not been increased commensurate with the charges that they have had to pay. It seems to me that in providing new consulates the committee might have considered the question of providing better pay for some of the able and efficient and experienced consuls we now have representing us abroad.

Mr. FLOOD. The increase of pay was not suggested by the State Department, and if it had been I do not believe it would have been favorably received by the committee. As the gentleman no doubt is aware, for two or three years back and at this time, the cost of living in the belligerent countries and countries adjacent to them has increased greatly, and therefore we put this sum of \$200,000 in the hands of the President to enable him to make allowances to diplomatic and consular officers to compensate them for the additional high cost of living in the places they are assigned to at the present time.

Mr. MOORE of Pennsylvania. Then, taking this paragraph on page 3, the President does seem to have authority to make additional allowances in cases where he sees fit, which would meet certain cases of emergency?

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman state whether it has been called to the attention of the committee

that private corporations, many of them with world-wide influence, have made overtures to many of our consuls abroad, and have induced some of them to leave the Government service?

Mr. FLOOD. Yes. That statement was made by a representative of the consular service, and he said that some of our consuls had gone into the service of private corporations, and that probably others would do so in the near future.

Mr. MOORE of Pennsylvania. I mention this because it would seem to indicate that it might be well to raise the compensation of some of our consuls who are now poorly paid and thus prevent their leaving the service.

Mr. FLOOD. Our consuls are pretty well paid. Their compensation ranges from \$2,000 to \$12,000.

Mr. MOORE of Pennsylvania. I do not think the average consul gets \$12,000 a year.

Mr. FLOOD. Some of them do.

Mr. WINGO. Mr. Chairman, I wish to ask the gentleman a question concerning the steam launch at Constantinople. How many years have we carried that item?

Mr. FLOOD. About 10 years.

Mr. WINGO. Is there a law for that?

Mr. FLOOD. The gentleman is speaking of the one at Constantinople?

Mr. WINGO. Yes, sir.

Mr. FLOOD. That is for the use of our embassy staff.

Mr. WINGO. There is no authority or law for it, is there?

Mr. FLOOD. It was first carried in an appropriation bill.

Mr. WINGO. This item is used for the renting of a private launch there by the year?

Mr. FLOOD. Yes. They live in one part of the city and they have their offices in another part. It is cheaper to rent it than it is to own it. It is necessary to convey the embassy staff from Pera across the channel connecting the business and residence sections of Constantinople.

Mr. WINGO. Cheaper to rent it than to own and maintain it?

Mr. FLOOD. Yes. That was the testimony before the committee.

Mr. WINGO. The necessity for the use of that is the necessity of carrying the embassy officials to and from their office?

Mr. FLOOD. Yes.

Mr. WINGO. Is there no other means of transportation available?

Mr. FLOOD. No. That is the only way they can get from the residence to the business section of the city.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes; I yield.

Mr. TOWNER. In the last item in the bill, "Acquisition of legation premises at Managua, Nicaragua," I notice that the appropriation carries this language included in the item, "and for the erection on the premises of suitable quarters for the legation guard." Is there a legation guard now at Nicaragua?

Mr. FLOOD. Yes.

Mr. TOWNER. Does that mean the marines who are stationed there?

Mr. FLOOD. There is a permanent guard there.

Mr. TOWNER. I say, does not that mean the marines?

Mr. FLOOD. Yes.

Mr. TOWNER. Do the marines constitute the legation guard?

Mr. FLOOD. Yes. I think there are 114 of them.

Mr. TOWNER. The support of the marines is not included in this bill in any way?

Mr. FLOOD. Oh, no. That is carried in the naval bill.

Mr. TOWNER. Is there any other place except China where the legation guard is now being maintained?

Mr. FLOOD. I think not.

Mr. TOWNER. Nicaragua and China are the only places?

Mr. FLOOD. Yes.

Mr. TOWNER. What is the object of maintaining this legation guard now in Nicaragua?

Mr. FLOOD. The State Department deemed it to be necessary. The conditions have been unsettled there.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. EMERSON. On page 24, as to expenses of prisons for American convicts, I would like, as a matter of information, to know what that means. I refer to the item beginning line 16, "Expenses of prisons for American convicts." Then reference is made to China and later to Siam and Turkey.

Mr. FLOOD. We have to maintain a prison at Shanghai. We have a court there with extraterritorial jurisdiction, and this is a prison maintained to keep any convicts in.

Mr. EMERSON. The Government of China permits us to do that?

Mr. FLOOD. Yes. We have a treaty that permits the court and permits the prison.

Mr. EMERSON. I never heard of it.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors extraordinary and plenipotentiary to Austria-Hungary, Argentina, Brazil, Chile, France, Germany, Great Britain, Italy, Japan, Mexico, Russia, Spain, and Turkey, at \$17,500 each, \$227,500.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the gentleman in charge of the bill state whether it is the custom of the United States to suggest to a foreign country the raising of an ambassadorship, or whether that suggestion usually comes from the foreign country to the United States?

Mr. FLOOD. I think in the last three cases the intimations have come from the foreign country to the United States.

Mr. MOORE of Pennsylvania. The question has arisen as to whether this country ought to have an ambassador at The Hague. We have a minister there now, or at least had one before he returned to the United States, and I have been asked as to whether the suggestion to raise that relationship from minister to ambassador should come from The Hague or should originate with the United States.

Mr. FLOOD. I think, if The Hague wants it, an intimation—not an official suggestion, but an intimation—that they want it should be made, and if then they should appoint an ambassador to the United States, Congress would be very apt to meet them by passing a law authorizing the President to appoint an ambassador to The Hague; but if the idea originated with us, I think we could make the intimation. I do not think there is any rule as to which country shall take the initiative.

Mr. LONGWORTH. If the gentleman will pardon me, the law originally was—and is now, unless it has been changed—that we could not designate any envoy as an ambassador unless the country to which our envoy was to be accredited had first designated its representative as an ambassador.

Mr. FLOOD. I do not think there is any law on the subject.

Mr. LONGWORTH. Yes; it was carried in one of the bills some years ago, and unless it has been changed that is the law now.

Mr. FLOOD. I do not think the law exists now, but in the last three cases—I happened to handle them; Argentina, Chile, and Spain—the intimation came to our Government in some way that those countries wished it.

Mr. LONGWORTH. At the time our first ambassadorships were created, it was under a law passed by Congress and carried in an appropriation bill, if I remember rightly, which provided that we might designate our ministers as ambassadors if the other country had taken the initial step.

Mr. FLOOD. More recently, however, we have in each case passed a special law authorizing the President to name an ambassador.

Mr. LONGWORTH. Yes.

Mr. MOORE of Pennsylvania. Has it occurred at any time during the gentleman's experience that the United States has originated the suggestion?

Mr. FLOOD. No.

Mr. MOORE of Pennsylvania. It has always come from the other side, so far as the gentleman knows.

Mr. LONGWORTH. That was the law originally.

The Clerk read as follows:

Envoy extraordinary and minister plenipotentiary to Roumania, Serbia, and Bulgaria, \$10,000.

Mr. BORLAND. I move to strike out the last word. I want to ask the chairman of the committee a question. The envoy extraordinary and minister plenipotentiary to Roumania, Serbia, and Bulgaria is one individual accredited to all three of those countries?

Mr. FLOOD. Yes.

Mr. BORLAND. He is a joint minister to the three Balkan countries?

Mr. FLOOD. Yes.

Mr. BORLAND. Where does he have his seat of office?

Mr. FLOOD. In Roumania.

Mr. BORLAND. I suppose the intention is to continue at present that joint representation in spite of the fact that there is a line of division now between those countries?

Mr. FLOOD. The State Department was very anxious to have two ministers, one to Bulgaria and the other to Roumania and Serbia, but international conditions are such that it is not thought wise to undertake to make the change at this time.

The Clerk read as follows:

SALARIES OF SECRETARIES IN THE DIPLOMATIC SERVICE.

For secretaries in the Diplomatic Service as provided in the act of February 5, 1915, entitled "An act for the improvement of the foreign service," approved February 5, 1915, \$186,000.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BENNET: On page 3, in line 6, after the end of line 6, insert:

"Provided, however, That no secretary who, as chargé d'affaires, at any time during 1916 refused any privilege to any American citizen because such citizen criticized the President of the United States shall be paid any salary from this appropriation."

Mr. FLOOD. Mr. Chairman, I reserve a point of order.

Mr. BENNET. Mr. Chairman, it is not subject to a point of order. It is a mere limitation. It simply provides that no secretary who during 1916 refused any privilege to any citizen of the United States because that citizen criticized the President of the United States shall be paid any salary out of this appropriation. The Congress of the United States have a perfect right to limit any appropriation.

Mr. FLOOD. Yes. I withdraw the point of order. I have no objection to the amendment.

Mr. HARRISON of Mississippi. I reserve the point of order for a moment. Because I can not read the amendment, which I have now examined, I withdraw my reservation of the point of order. [Laughter.]

The CHAIRMAN. The point of order is withdrawn.

Mr. BENNET. I understood the chairman of the committee to say he had no objection to the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BENNET. I ask unanimous consent to extend my remarks in the RECORD at this point in connection with the amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BENNET. The reason for this amendment is shown in the following correspondence:

To the EDITOR OF THE HERALD.

SIR: I rejoice to see that Americans have entered their protest in your columns against President Wilson's most strange and grotesque felicitations to the Austrian Emperor.

This abominable person represents the antipodes of everything for which America is supposed to stand. He has not one ideal that is capable of being squared with ours. At a time like this, when the fundamentals of our faith are under desperate attack from him and his allies, it is most deplorable to compromise about an issue that transcends everything else in the world. Courtesy is all very well, but if you really believe what you profess can you be courteous to a power that is aiming its guns straight at the heart of democracy. A country is not certain outlines on a map. It is an idea. If the idea of America and the idea of the Austrian Monarchy are compatible, then the Republic must be something very different from our pretensions about it.

CHARLES EDWARD RUSSELL.

HOTEL DE FRANCE ET CROISEUL,
Paris, August 28, 1916.

EMBASSY OF THE UNITED STATES OF AMERICA,
Paris, August 29, 1916.

CHARLES EDWARD RUSSELL, Esq.,
Hotel de France et Choiseul, Paris.

SIR: Since receiving your call this morning, when you requested the good offices of the embassy to facilitate your obtaining privileges from the Belgian Government as accorded to newspaper correspondents, a communication to the Paris edition of the New York Herald over your name has been brought to my attention.

In view of your criticism therein of the President, I do not feel justified in giving you a letter of recommendation to the Belgian legation. Your letter of credentials from the Newspaper Enterprise Association which you left with me this morning is herewith returned.

I am, sir, your obedient servant,

ROBT. W. BLISS,
Chargé d'Affaires.

WASHINGTON, D. C., December 7, 1916.

HON. WILLIAM S. BENNET,
House of Representatives, Washington, D. C.

MY DEAR MR. BENNET: Allow me to thank you sincerely for your very kind letter of yesterday. I rejoice that you perceive the grave significance of the incident your resolution refers to and are determined to get a ruling upon it. Every American is deeply concerned and should be deeply interested in the issue. The personal aspects of it are nothing whatever, but I desire very much to have an answer to the question I put to Mr. Bliss:

"Is an American citizen that criticizes the President on a different footing with public servants from an American citizen that does not criticize the President?"

I believe that is vital, and I want to know about it. The newspaper account quoted in your resolution is substantially correct. Some small details are omitted, and there is one slight error. I applied to the embassy, not in a personal capacity but as the repre-

representative of 205 daily newspapers of the United States, and this fact Mr. Bliss fully understood, for I delivered to him my credentials and he kept them until he delivered to me his letter refusing to grant me the purely technical indorsement that all other American correspondents received without question. The error, which is wholly immaterial, is that the whole incident took place in the same day. It was at 4 p. m. that I returned by request to get Mr. Bliss's response.

I was accompanied by Mr. David L. Patterson, representing the Pittsburgh Gazette-Times. He got his letter of indorsement at the same time that Mr. Bliss handed me his refusal in my case. Patterson is now teaching history in the University of Kansas. Since my return I have had a letter from him, unsolicited, commending the accuracy of the newspaper reports of the case and offering to testify at any time that they were correct.

It seems to me that if the principle on which Mr. Bliss acted is confirmed and indorsed we are confronted with a novel and most disturbing situation. Mr. Hughes criticized the President in the last campaign. Suppose Mr. Hughes was to go abroad now. Is he to be deprived of the protection and courtesies of American embassies and legations? And if his status is altered in the eyes of American diplomatic representatives abroad can it remain the same in the eyes of other public servants at home? How can a distinction be drawn between his status abroad and his status at home? And if we start to undermine any of his rights anywhere because of his attitude toward the President, where shall we draw the line?

I think you are doing a very great public service in pushing this matter. I wish it had arisen in regard to some other citizen, but in an issue of such moment personal considerations are nothing. If I can give you any information or support please command me in any way.

Yours, very truly,

CHARLES EDWARD RUSSELL.

WASHINGTON, D. C., December 15, 1916.

HON. WILLIAM S. BENNET,
House of Representatives, Washington, D. C.

DEAR MR. BENNET: I inclose a copy of my letter in the Paris edition of the New York Herald that caused the issue to be raised. Several other Americans wrote similar letters that the Herald published. I was always curious to know how the embassy's rule was carried out in their case but never found out. I do not imagine any discrimination could have been made; it was a general principle that Mr. Bliss announced.

Yours, very truly,

CHARLES EDWARD RUSSELL.

Any citizen has the right to criticize the President of the United States or any other official. If a man in the Diplomatic Service does not know this he ought not to be in the Diplomatic Service.

The Clerk read as follows:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, \$200,000, together with the unexpended balance of the appropriation made for this object for the fiscal year 1917, which is hereby reappropriated and made available for this purpose: *Provided*, That in his discretion the President may employ part of this fund for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any existing law.

Mr. BYRNS of Tennessee. I make a point of order against the proviso beginning on line 21, page 8. It is clearly a change of existing law.

Mr. Chairman, the legislative, executive, and judicial bill carries a very liberal appropriation for the clerks and other employees of the State Department in the District of Columbia. I am opposed to provisions in any appropriation bill giving the head of any department the privilege of using a part of a lump-sum appropriation to augment the specific appropriations made for a particular service in the District of Columbia. This matter was considered in the hearings before the Committee on Appropriations on the legislative bill, and the chief clerk of the Department of State stated that there had been a number of employments made under this provision which is carried for the current year, but he was unable to tell the committee exactly what employments had been made or the salaries paid and services rendered.

Mr. FLOOD. Between \$4,000 and \$5,000 was used.

Mr. BYRNS of Tennessee. I submit that it is not good policy to appropriate specifically for the employment of clerks in the District of Columbia and then have a fund here and a fund there placed at the disposal of the heads of the departments to be used to augment their number.

Mr. FLOOD. Mr. Chairman, the gentleman is right, it is not a sound policy under ordinary conditions, but this is a very extraordinary condition and will continue so for a few years to come. The Secretary of State thought it was necessary in case he brought a man from abroad to render services in the department that he should have some fund out of which he could pay him and that it might be necessary to use some extra fund to enforce this.

Mr. BORLAND. Mr. Chairman, the question has been passed on by the House. The legislative bill of the current year approved May 10, 1916, has a specific provision preventing this very thing. It is not a new question. It provides that none of the money appropriated by any other act shall be used during

the fiscal year 1917 for the employment or payment of personal services in the Department of State in Washington, D. C.

In other words, Congress passed on this question at the last session and specifically refused to authorize the provision. It is clearly subject to a point of order.

Mr. FLOOD. I do not question that it is subject to a point of order, but I ask the gentleman from Tennessee, in view of the extraordinary conditions that obtain in the State Department, to withdraw his objections.

Mr. BYRNS of Tennessee. The gentleman states that under the provision in the current law only four or five thousand dollars have been expended. I submit that if the Secretary of State does not need more than four or five thousand dollars to pay these expenses in the department it is not going to work a very great hardship if this provision goes out. I do not think it is good policy or a good rule of legislation to undertake to make appropriations in lump sum and then provide that an unlimited portion may be used for clerical services in the District of Columbia. Congress ought to know what clerks are employed in the District of Columbia and the amount of the compensation. We ought to be able to provide for them, and we do provide for them specifically.

Mr. RAGSDALE. Mr. Chairman, I understand that the gentleman's position is that there ought not to be an unlimited sum. Would the gentleman suggest what he thinks would be a reasonable sum for use in the District of Columbia?

Mr. FLOOD. Here is a whole fund that is to be used, and—

Mr. BYRNS of Tennessee. I am not questioning that. I do not think the Secretary of State would use any more of the fund than he thought necessary. I do not care to place any limit upon it if it is going in at all. I am opposed to the principle of permitting lump sums made for the purpose of taking care of governmental functions outside of the District of Columbia to be used for personal services in the District of Columbia, when in another bill appropriation is specifically made for such particular service.

Mr. FLOOD. The gentleman will admit that the work in the State Department has increased more than in any other department within the last two years.

Mr. BYRNS of Tennessee. That is true, but I submit that this bill is not the bill to take care of the services required by the State Department in the District of Columbia.

The gentleman is familiar with the fact that the current legislative bill carries an appropriation for 100 clerks, more or less, in addition to those formerly employed in the State Department in order to take care of the emergency.

I submit that if the State Department needs an additional force in the District of Columbia the appropriation ought to be carried in the legislative, executive, and judicial appropriation bill, which under the rules of the House is authorized to carry the appropriation, and for that reason I insist on the point of order.

Mr. HARRISON of Mississippi. Mr. Chairman, if the gentleman will withhold his point of order for a moment. I am not going to discuss the point of order. We will concede it if the gentleman insists upon it. If the gentleman will note the wording of this section before the proviso, it is—

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes.

This is an extraordinary case. It is a condition where the President might at any time need the personal services of some one in the District of Columbia to meet unforeseen emergencies attending the execution of our neutrality laws—a most important proposition. The Committee on Foreign Affairs last year was of the same opinion as the gentleman from Tennessee, and they did not desire to put in the proposition until the Secretary of State had talked with the committee explaining its purposes and had written a letter explaining the whole proposition. I want to read a letter written by Mr. Carr, of the Consular Service, touching this appropriation. It is as follows:

DEPARTMENT OF STATE,
Washington, May 25, 1916.

The Hon. HENRY D. FLOOD,
House of Representatives, Washington, D. C.

DEAR MR. FLOOD: Referring to our conversation of a few days ago, in regard to making the emergency fund available for personal services in the District of Columbia, I submit an amendment in the form of a proviso to be added, on line 3, page 9 of the bill as reported by the committee, which I think will accomplish the purpose which I believe the Secretary has in mind. I am sure the Secretary would greatly appreciate any steps which you may take to have this change made in the bill, either in the House or by the Senate Committee on Appropriations after the bill shall have been passed by the House. Without a

provision of this kind the President and the Secretary will be without any means to employ special personal services in the District of Columbia, if at any time such services should be urgently required.

Very sincerely, yours,

WILBUR J. CARR,
Director of the Consular Service.

Now, if the point of order is sustained, as it will be if insisted upon, it might greatly hamper the President and State Department in maintaining our neutrality as well as extending our commercial interests. It is quite different from any other class suggested by the gentleman. It is not the policy of the committee to continue this policy; it is not to be a permanent law, but merely temporary, to meet an emergency that has arisen by virtue of the war.

In all sincerity, I say to the gentleman he may cripple the service of the State Department if he insists upon the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, with all due deference to my distinguished friend from Mississippi [Mr. HARRISON], I can not see any connection between this proviso and the enforcement of the neutrality laws. Of course, the gentleman has read into his argument some connection with it, but the proviso is absolutely unlimited. It provides simply that a part or all of this fund of \$200,000 may be employed for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any existing law. That is certainly as broad a provision as could be drawn, and I do not see, as I say, any particular connection between that and the enforcement of the neutrality laws.

Mr. HARRISON of Mississippi. The gentleman will recall that we appropriate quite a large sum of money as a contingent fund for the President to expend in his discretion, and certainly we ought to trust the President of the United States in a matter like this, of maintaining the neutrality laws, especially when we are facing a world condition which the Government has never faced before.

Mr. BYRNS of Tennessee. It is not a question of trusting the President of the United States or the Secretary of State or anyone else, as far as that is concerned. Certainly no one would hesitate to do that. It is true that large lump-sum appropriations are made to be used by the President and the Secretary of State subject alone to their own discretion, and it is highly proper that this should be done, but here is a proposition to employ personal services in the District of Columbia, when, as a matter of fact, the House has already passed a bill making, as I believe, ample provision allowing to the Secretary of State every clerk and every employee estimated for, and I submit that when the House adopts the estimate of the Secretary of State and allows him all of the employees that he asks for his department for the next fiscal year, we ought not to be asked then to give unlimited authority to use a fund of \$200,000 in the employment of services here in the District of Columbia.

Mr. CARLIN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. CARLIN. What is the difference, if any, in the amount asked for by the various departments and the actual revenues of the Government?

Mr. FLOOD. I will say to the gentleman that, so far as the State Department is concerned and the Foreign Affairs Committee, we have appropriated about \$200,000 less in this bill than was asked for.

Mr. CARLIN. I am making the inquiry of the gentleman from Tennessee [Mr. BYRNS] whether it is not a fact that the departments have asked for about \$300,000,000 more than the estimated revenues of the Government?

Mr. BORLAND. Yes; they are in the red.

Mr. BYRNS of Tennessee. I think they have asked for a great deal more than the estimated revenues. I do not know exactly how much it is. The gentleman is possibly correct in his figures.

Mr. HARRISON of Mississippi. That criticism ought not to be leveled against the Foreign Affairs Committee. If there has been one committee in this House that has practiced economy in bringing in its bill, it has been this committee.

Mr. CARLIN. I think that is true.

Mr. HARRISON of Mississippi. We have reduced the appropriations in this bill, notwithstanding the world conditions, \$189,000.

Mr. CARLIN. I mention this fact because I have recently seen it reported that the Congress was being criticised for its extravagance in appropriations, and I want it to appear that if there is any extravagance, the extravagance is in the departments themselves, who have asked for about \$300,000,000 more than the estimated revenues of the Government. As far as this item is concerned, it seems to me that it is a question of jurisdiction

as between committees. The Committee on Appropriations does not think that the gentleman's committee ought to provide for this, and yet the Committee on Appropriations had no hesitation in undertaking to take away from the Committee on Military Affairs the jurisdiction over its appropriations.

Mr. BYRNS of Tennessee. Oh, the Committee on Appropriations was not making any effort to take anything from the military committee.

Mr. CARLIN. That was the ruling of the Chair.

Mr. BYRNS of Tennessee. The Appropriation Committee or a portion of it felt that the office of the Chief of Staff and the employees of the Chief of Staff were people who were employed here constantly in the District of Columbia and, therefore, clearly under the rules of the House, that appropriation belongs to the legislative bill. The Chairman of the Committee of the Whole differed from the committee, and it went out on a point of order. There is no quarrel about that.

Mr. CARLIN. Is it not a fact that this is the second time your committee has had a ruling from the Chair on that subject, and did you not appeal from the ruling of the Chair?

Mr. BYRNS of Tennessee. No, indeed; this is the first time the Committee on Appropriations ever carried an appropriation for the office of Chief of Staff in its bill, and it only carries it this time because in the last bill the office of the Chief of Staff was separated from the clerks who were carried upon the field roll, and the gentleman from Wisconsin [Mr. STAFFORD] made the statement—and I feel sure that his memory is correct—that the chairman of the Committee on Military Affairs at the last session stated that his bill would not undertake to carry this appropriation.

Mr. FLOOD. Mr. Chairman, we all know that the Appropriations Committee never tires of taking all the jurisdiction it can get—

Mr. CARLIN. Oh, I have the floor. The point I was trying to make is this, that this House is not subject to the criticism that we are receiving in the press.

Mr. BORLAND. The gentleman from Virginia is unquestionably right about that.

Mr. CARLIN. When the fact is that the departments are extravagant, and are asking for \$300,000,000 more than the entire revenues of the Government.

Mr. BORLAND. The departments have estimated for a great deal more than any committee has been willing to give them.

Mr. CARLIN. Haven't they asked for more than the entire revenues of the Government?

Mr. BORLAND. Unquestionably, that is correct.

The CHAIRMAN. The gentleman from Virginia has called for the regular order. Does the gentleman from Tennessee insist upon the point of order?

Mr. BYRNS of Tennessee. Mr. Chairman, in reply to the remark of my friend from Virginia, Mr. FLOOD, I wish to say that in this particular instance, at least, the Committee on Appropriations is not trying to take something that does not belong to it, but is trying to prevent the Committee on Foreign Affairs from assuming a jurisdiction that belongs to the Committee on Appropriations. I make the point of order.

Mr. FLOOD. I did not say that the Appropriations Committee tried to take something that did not belong to it in this case, but I said that we all know that it does reach out and try to grab the jurisdiction of every other committee in the House, if it gets a chance. This is a case where in order to enable the President and Secretary of State to properly enforce the neutrality laws it was thought that the secret emergency fund at the disposal of the President might be used to pay some officials in Washington who were engaged in enforcing those neutrality laws. It is subject to a point of order; we do not deny it. We thought it was wise it should go in this bill and that such discretion should be given to the President to use part of this fund for this purpose. But if the gentleman insists upon the point of order we will not undertake to argue against it.

Mr. CARLIN. Mr. Chairman, I want to ask the gentleman from Tennessee this question if I can get his ear, and that is this: If in an item of this importance, where the discretion for the expenditure is lodged in the President himself, the gentleman does not think that the rule we should adopt here of personal conduct with reference to these items should be one as to whether the item is necessary and not one as to what committee should make the appropriation?

Mr. BYRNS of Tennessee. I do. I am not making the point of order wholly upon the ground that this Committee on Foreign Affairs is attempting to intrench upon the jurisdiction of the Committee on Appropriations. I make it upon this ground, that the Committee on Appropriations allowed to the Department of State every single clerk and employee for which the Secretary of State asked for services here in the District of Columbia,

and, having allowed his estimates as he submitted them, it seems to me we ought not to permit a provision to go into this bill permitting an unlimited expenditure of the entire \$200,000, if thought proper, for similar services here in the District.

Mr. CARLIN. I want to interrupt the gentleman at this point—

Mr. FLOOD. I would like—

Mr. CARLIN. The gentleman can not until I have finished. I had the floor, and I think I am reaching the very point.

Mr. FLOOD. I call for the regular order.

Mr. CARLIN. I want to discuss the point of order just a moment.

The CHAIRMAN. The point of order has been made.

Mr. CARLIN. But the point of order is subject to discussion. The fact that the chairman concedes the point of order and the gentleman from Mississippi concedes the point of order, it does not necessarily follow that everybody else concedes the point of order.

The CHAIRMAN. The gentleman will be heard on the point of order.

Mr. CARLIN. In that connection, I want to inquire of the gentleman from Tennessee with reference to this point of order, if it is not true in his opinion that this emergency fund ought to be allowed the department? If the gentleman thinks it ought not to be allowed the department, he ought to insist upon this point of order; but if he thinks the department ought to have the discretion, then, it seems to me, the gentleman ought not to insist upon his point of order. Here is an emergency occasion existing such as we have never experienced before. The fund is in proper hands. The President of the United States can be trusted to exercise properly his discretion, and unless the gentleman feels that it is not going to be exercised properly it seems to me he ought not to insist upon his point of order.

Mr. BYRNS of Tennessee. I have no question as to any improper exercise of authority that might be conferred upon the Secretary of State or any other distinguished officer of this Government. I do repeat that the House already having made provision for the services in the Department of State here in the District of Columbia, and having allowed to the Secretary of State—

Mr. FLOOD. I would like to interrupt the gentleman.

Mr. BYRNS of Tennessee (continuing). We ought not to be asked now to appropriate an unlimited—

Mr. FLOOD. I will say to the gentleman the Secretary of State made an estimate which went before the Committee on Appropriations in the legislative bill with this law existing. This provision was in the law last year. He knew he could use this fund, and he made his estimates upon that basis that he could use this fund, and so the gentleman is not appropriating everything that was needed in reference to the neutrality laws.

Mr. BYRNS of Tennessee. We are not responsible for the fact that the Secretary of State went to both committees for an appropriation for services here in the District of Columbia. The fact is the rules of the House provide that one particular appropriation bill shall carry the appropriation for personal services here, and for that reason I am insisting on the point of order.

Mr. RAGSDALE. Mr. Chairman—

Mr. FLOOD. The fact that Congress passed this very law—

Mr. CARLIN. Mr. Chairman, I had the floor to discuss the point of order when these gentlemen interrupted.

Mr. RAGSDALE. Mr. Chairman, am I recognized as a member of the committee?

Mr. BYRNS of Tennessee. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia had the floor, but the regular order has been called for.

Mr. CARLIN. I was about to discuss the point of order, which I have a right to do.

The CHAIRMAN. But the gentleman makes the point of order, and the Chair sustains it.

Mr. HARRISON of Mississippi. Mr. Chairman, I have an amendment which I desire to offer. At the end of line 20, page 8, after the word "purpose," insert the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 8, by inserting after the word "purpose," in line 20, the following: "Provided, That in his discretion the President may employ any such part of this fund to an amount of not more than \$5,000 for payment for personal services in the District of Columbia or elsewhere notwithstanding the provision of any existing law."

Mr. HARRISON of Mississippi. I would like to state that its purpose is—

Mr. BORLAND. Mr. Chairman, I reserve the point of order on the amendment.

Mr. HARRISON of Mississippi (continuing). That this amendment answers the criticism which the gentleman from Tennessee just made, that you are giving discretion to the President to expend the sum of \$200,000.

This limits the amount he can use in the District to \$5,000. I cited the gentleman from Tennessee [Mr. BYRNS] and the committee to the letter here which was written by Mr. Carr in behalf of the Secretary of State, showing that at this time there were great complications coming up, due to conditions throughout the world, that this country above all nations was called upon to exercise a high degree of patience and consideration in maintaining our neutrality, and that at times, in order to maintain our neutrality, it was necessary to employ the services of men who might be in the District of Columbia or persons to do some work to carry on that particular service; that there might be men found in the District who are peculiarly qualified by some especial fitness to do the work; men that they could not find outside of the District; and they wanted to exercise that right if the urgency and emergency should arise. And I feel sure that the amendment ought to be adopted. It is cured of that criticism which the gentleman from Tennessee has just made.

Mr. BYRNS of Tennessee. The gentleman from Mississippi [Mr. HARRISON] unintentionally, I am sure, puts words into my mouth which I did not use. I want to assure the gentleman from Mississippi for the third time that I have absolute confidence in the President and in the Secretary, and it is not upon the ground that I fear that this fund may be improperly used that I make an objection. It is the principle to which I object, Mr. Chairman, and I thought I had made that clear to every Member here present, even to my good friend from Mississippi. I hope the gentleman will now understand that it is the principle to which I object, the principle of making a direct appropriation in one bill carrying a list of all the clerks and employees who were specifically estimated for, and then in another bill, Mr. Chairman, undertaking to devote a portion, whether great or small, of a lump sum for similar services.

Mr. CARLIN. A parliamentary inquiry, Mr. Chairman. Had not debate begun on this amendment before any point of order was made?

Mr. BORLAND. Yes; I reserved the point of order.

Mr. CARLIN. Had not debate begun before any reservation was made?

Mr. BORLAND. No debate had been begun.

Mr. HARRISON of Mississippi. That was the point that was raised, and that was why I started to discuss the proposition.

Mr. BORLAND. I rose to my feet to make the point of order, and the gentleman proceeded with the discussion.

Mr. CARLIN. My question is, Had not debate been begun before there was a reservation of this point of order?

The CHAIRMAN. The Chair thinks not.

Mr. HARRISON of Mississippi. Does the Chair think that point of order was made or reserved?

The CHAIRMAN. The point of order was reserved.

Mr. HARRISON of Mississippi. I am in error, then.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for five minutes on this proposition. Unless the gentleman desires to discuss—

Mr. BORLAND. I want to ask the gentleman if he wants to discuss this matter now before the committee or some other matter that he can discuss elsewhere?

Mr. BENNET. I want to discuss this particular amendment, with the hope of inducing the gentleman from Missouri to withdraw his point of order.

Mr. BORLAND. In a moment I may yield to the gentleman. Mr. Chairman, this is not, as it may seem, a struggle between the committees over the subject of jurisdiction. However desirable it might be to have an emergency fund carried in some other bill, the rules of the House have thought wise to place in one bill, the legislative, executive, and judicial appropriation bill, all the provisions for the pay of these clerical forces in Washington. If any provision was needed, it should have been carried on that bill. My idea is that the legislative bill does carry such a contingent fund. When it is stated that the Department of State has been operating under the belief that they were entitled to an emergency fund in the diplomatic and consular bill, it will be found on examination that they are not entitled to any such belief, from the fact that Congress and the current law regulating the Department of State for the year 1917 has expressly taken away from the Department of State all foundation for any such claim.

Mr. FLOOD. The gentleman is mistaken about that. This proviso that was ruled out just now reads this way:

That in his discretion the President may employ part of this fund for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any existing law.

Mr. BORLAND. Yes; but the gentleman stated, as I understood it, that that was the current law. They were relying on some sort of emergency fund in the current law, and it ought to be continued for the year 1918.

I want to call the gentleman's attention to the fact that the current law absolutely forbids it.

Mr. FLOOD. It forbids it if this is in the law.

Mr. BORLAND. Let me read to the gentleman what the current law is. This is from the legislative, executive, and judicial appropriation bill for the year 1917, approved May 10, 1916. It reads:

No money appropriated by any other act—

Including the Diplomatic bill—

shall be used during the fiscal year 1917 for the employment and payment of personal services in the Department of State at Washington, in the District of Columbia.

So that if they ever had any such reliance, Congress expressly legislated on that on the 10th of May, and took it away, and said no money appropriated by any other act should be so used.

Mr. FLOOD. Congress expressly legislated in June, 1916, to the effect that the department did have that power, notwithstanding this law the gentleman refers to as having been enacted in May. One law of Congress is as good as another. This law by implication repeals that law, so far as the Department of State is concerned.

Mr. BORLAND. This illustrates the confusion that results by putting these appropriations in two or more bills.

There is another thing. Every department of the Government feels that it has an emergency of this kind. Not long ago the War Department had placed in the river and harbor bill a provision for the employment of extra service, and for an allowance of extra printing. Without any attention being paid to the matter, it was enacted in one bill, and then when Congress finally found out where the conflict was, it was stricken out in the future bill. Every department of Government may feel that it has this kind of an emergency. The State Department feels it to-day, the War Department to-morrow, and the Department of the Interior may feel it next day.

Now, they will all ask for it in particular appropriation bills outside of the legislative, executive, and judicial bill. There is only one way for Congress to keep track of how much personal service is employed in the District of Columbia, and that is to have it in the legislative, executive, and judicial bill. When a Member reads that bill he has the right to assume that it comprises all the personal services rendered in the District of Columbia. So, Mr. Chairman, I insist upon the point of order.

Mr. BENNET. Mr. Chairman, will the gentleman reserve the point?

Mr. BORLAND. Oh, the gentleman can move to strike out the last word on the next paragraph. The chairman of the committee wants to get along with the bill.

The CHAIRMAN. The point of order is sustained.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking an inquiry of the Chairman.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. Mr. Chairman, I would like to ask the Chairman under what paragraph of this bill the salary of the counselor of the embassy at Paris, France, is carried?

Mr. FLOOD. The salary of the ambassador?

Mr. BENNET. No; the counselor.

Mr. FLOOD. We have no counselor there. We have a provision in the Diplomatic and Consular appropriation act of the current year authorizing the President to designate the first secretaries of embassies and legations as counselors, and under that authorization has designated at eight of the embassies the first secretaries as counselors, and they draw their salaries from this provision making appropriations for the secretaries.

Mr. BENNET. So the gentleman who has the title of "counselor" at Paris would draw his salary from this provision for secretaries?

Mr. FLOOD. Yes; \$3,000 a year.

Mr. BENNET. Whatever it is, under the provision on page 3, lines 1 to 6?

Mr. FLOOD. Yes; that is it.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including the salaries of the commissioner and the necessary engineers, surveyors, draftsmen, computers, and clerks in the field and at the seat of government, rental of offices at Washington, District of Columbia, expense of printing and necessary traveling, for payment for timber necessarily cut in determining the boundary line not to exceed \$1,000, and commutation to members of the field force while on field duty or actual expenses not exceeding \$2.50 per day each, to be expended in accordance with regulations from time to time prescribed by the Secretary of State, \$105,000, together with the unexpended balances of previous appropriations for these objects: *Provided*, That hereafter advances of money under the appropriation "Boundary line, Alaska and Canada, and the United States and Canada" may be made to the commissioner on the part of the United States and by his authority to chiefs of parties, who shall give bond under such rules and regulations and in such sum as the Secretary of State may direct, and accounts arising under advances shall be rendered through and by the commissioner on the part of the United States to the Treasury Department as under advances heretofore made to chiefs of parties.

Mr. BORLAND. Mr. Chairman, I reserve a point of order on the proviso, which is clearly permanent legislation. But I wanted to ask the chairman of the committee what the purpose of that change is?

Mr. FLOOD. What change is it?

Mr. BORLAND. The proviso on line 17, page 11, "That hereafter advances of money on appropriations," and so forth.

Mr. FLOOD. That was put in the last year's bill.

Mr. MANN. It is existing law, is it not?

Mr. FLOOD. Yes; it was in the last year's bill.

Mr. BORLAND. Why is it repeated, then?

Mr. MANN. Because they did not realize it is the existing law.

Mr. FLOOD. It was a mistake.

Mr. BORLAND. The word "hereafter" was used last year?

Mr. FLOOD. Yes. This is a copy of what was in last year's bill.

Mr. BORLAND. It is not needed, then?

Mr. FLOOD. No; it is not needed.

Mr. BORLAND. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Missouri withdraws the point of order. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES, UNITED STATES COURT FOR CHINA.

Judge, \$8,000; district attorney, \$4,000; marshal, \$5,000; clerk, \$3,000; stenographer, \$1,800; court expenses, including reference law books, \$9,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. I do that for the purpose of asking why the change is made in the appropriation act for the salaries and expenses of the United States court for China?

Mr. FLOOD. What page does the gentleman refer to?

Mr. BENNET. On the first page of the gentleman's report it says:

Item decreased for 1918: * * * Salaries and expenses, United States court for China, \$2,400.

Mr. FLOOD. Last year Congress made an appropriation of \$355,000 to buy buildings for the consulate and the court at Shanghai, and I will say it was purchased for about \$65,000 or \$70,000 less than the appropriation.

Mr. BENNET. For rent of premises?

Mr. FLOOD. Yes; there are no rents now.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

NINETEENTH CONFERENCE INTERPARLIAMENTARY UNION.

The appropriation of \$40,000 "For the purpose of defraying the expenses in Washington City incident to the Nineteenth Conference of the Interparliamentary Union to be held in Washington in 1915, to be expended under such rules and regulations as the Secretary of State may prescribe," made in the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and extended and made available for the calendar years 1916 and 1917 by the diplomatic and consular act approved July 1, 1916, is hereby extended and made available for the calendar year 1918: *Provided*, That said sum may, in the discretion of the Secretary of State, be expended within the United States, but not elsewhere.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word simply for the purpose of asking the gentleman in charge of the bill a question.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. Is there any provision in the previous law for rendering an itemized account of these expenditures to Congress? There is none here, as I observe.

Mr. FLOOD. Such a provision is usually carried in each item.

Mr. GREEN of Iowa. This is in pursuance of a previous appropriation evidently. Now, if the previous appropriation provides that there shall be an itemized account rendered, it is perfectly proper. If not, there ought to be an amendment here.

Mr. FLOOD. I think an amendment ought to be offered, because I do not think it was in the previous appropriation bill.

Mr. GREEN of Iowa. Then, Mr. Chairman, I move to amend as follows: On page 31, line 6, strike out the period at the end of the word "elsewhere," insert a colon, and add the following: "Provided further, That an itemized account of all such expenditures shall be reported to Congress."

Mr. FLOOD. Mr. Chairman, there is no objection to that amendment.

Mr. BENNET. Is it not the same amendment that is placed in lines 15 and 16?

Mr. GREEN of Iowa. Yes. It is the same amendment, except the word "further."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Page 21, line 6, after the word "elsewhere," strike out the period, insert a colon, and add the following: "Provided further, That an itemized account of all such expenditures shall be reported to Congress."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIFTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, \$10,000, or so much thereof as may be necessary, together with the unexpended balance of previous appropriations for the holding of said congress in the United States: *Provided*, That an itemized account of all expenditures shall be reported to Congress.

Mr. SMITH of New York. Mr. Chairman, I would like to ask the chairman of the committee what is the aggregate amount of the unexpended balance at this time? The gentleman is familiar with that.

Mr. FLOOD. My understanding is, Mr. Chairman, that it is about \$45,000.

Mr. SMITH of New York. That would make about \$5,000 that has already been expended. I notice that this item does not contain a provision such as we find elsewhere, that "no part of this money should be expended outside of the city of Washington." It is not here.

Mr. FLOOD. That was in both items, and it was stricken out of them.

Mr. SMITH of New York. Would there be any objection to inserting a provision of that kind?

Mr. FLOOD. The committee put that provision in the item providing for the Nineteenth Conference of the Interparliamentary Union and also this item, but the gentlemen in charge of both of these conferences objected to it, and the committee struck it out.

Mr. SMITH of New York. The intention evidently is to prevent junketing trips for these delegates.

Mr. FLOOD. I do not see any necessity of discriminating against this conference. We have stricken it out with respect to the other conferences, and I do not see any reason why we should discriminate against this one. If these gentlemen prefer to meet at Atlantic City, I do not see why we should compel them to come to Washington. They should be allowed to go anywhere they please in the United States.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The appropriation of \$15,000 for the payment of compensation to and the necessary expenses of the representative or representatives of the United States on the International Commission of Jurists, organized under the convention signed at the Third International American Conference August 23, 1906, approved by the Senate February 3, 1908, and ratified by the President February 8, 1908, for the purpose of preparing drafts of codes of public and private international law; and for the payment of the quota of the United States of the expenses incident to the preparation of such drafts, including the compensation of experts under article 4 of the convention, made in the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and extended and made available for the fiscal year ending June 30, 1916, by the Diplomatic and Consular act approved March 4, 1915, and for the fiscal year ending June 30,

1917, by the Diplomatic and Consular act approved July 1, 1916, is hereby extended and made available for the fiscal year ending June 30, 1918.

Mr. MANN. I move to strike out the last word.

Mr. Chairman, the war in Europe has now lasted nearly two and one-half years, which is long enough. I wish simply to express my commendation of the President of the United States for the circular note which he recently sent to the various powers engaged in war. [Applause.] I do not know whether it will accomplish the purpose, or do any good abroad; but I think it was eminently proper that the President of our country, after this long time that these countries have been engaged in war, should call to the attention of the people of the world the desirability of closing the war; and without regard to partisanship I believe that the whole people of this country will warmly congratulate and commend the President for any effort which he has made or may make toward procuring peace in the world again. [Applause.]

The Clerk read as follows:

SALARIES OF THE CONSULAR SERVICE.

For salaries of consuls general, consuls, and vice consuls, as provided in the act approved February 5, 1915, entitled "An act for the improvement of the foreign service," \$1,208,500. No portion of this sum shall be paid as compensation to vice consuls who are not American citizens: *Provided*, That if in any case the Secretary of State deems it impracticable immediately to secure a competent vice consul who is an American citizen, he may appoint or retain as vice consul and compensate from this fund a person not an American citizen until such time as he is able to designate a competent American citizen for such post. Every consul general, consul, and, wherever practicable, every consular agent shall be an American citizen.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Foreign Affairs whether the International Congress on Social Insurance authorized by the Congress in the third session of the Sixty-first Congress was ever held; and if so, when and where; and if not, what has become of that appropriation?

Mr. FLOOD. My information is that the conference was never held. The appropriation lapsed into the Treasury, and there is no reappropriation of it.

Mr. BENNET. And the project of holding an international conference on social insurance has been for the time being abandoned?

Mr. FLOOD. It would seem so; yes.

Mr. BENNET. The gentleman will recall that he and I were conferees on that item in that session.

Mr. FLOOD. Yes.

The Clerk read as follows:

EXPENSES OF PRISONS FOR AMERICAN CONVICTS.

Actual expense of renting a prison at Shanghai for American convicts in China, \$1,200; for contingent expenses, \$1,800; for the wages of a keeper of such prison, \$1,200; and for the wages of an assistant keeper of such prison, \$800; \$5,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the Committee on Foreign Affairs why the usual appropriation for marshals for these courts in China and Turkey has been omitted this year?

Mr. FLOOD. It was thought by the State Department that there was very little for the marshals to do, and that what work they had to do could be done by the interpreters. There was an appropriation of \$10,000 for marshals, and the marshals were dispensed with, and the \$10,000 was divided between these two items, each item being increased \$5,000.

Mr. BENNET. Where was the \$10,000 transferred?

Mr. FLOOD. Five thousand dollars of it was added to the item for salaries of interpreters to consulates in China, Chosen, Japan, and Siberia, and \$5,000 to the expenses of interpreters, guards, and so forth in Turkish dominions, Persia, Morocco, northern Africa, and Zanzibar.

Mr. BENNET. I think that is a very wise change.

The Clerk read as follows:

Paying for the keeping and feeding of prisoners in China, Chosen, Siam, and Turkey, and of those convicted by the United States Court for China, \$9,000: *Provided*, That no more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Foreign Affairs how long an item has been carried in this bill for two jails in Turkey? When I was on the committee we had, as I recall it, a prison at Smyrna for American convicts, but apparently we now have a prison in Smyrna and one in Constantinople.

Mr. FLOOD. I do not remember when the first appropriation was made, but it was some years ago. I thought I had a

statement of it here, but I have not. I think probably the bill of 1907 was the first one in which it was carried.

Mr. BENNET. I was in Constantinople in 1907, and they had no prison there then. Now, I should like to ask the gentleman how many convicts were kept in either of these prisons, or both of them, last year?

Mr. FLOOD. I could not answer that. Perhaps I ought to have that information, but I have not.

Mr. BENNET. Is it not a fact that they have not had any convicts in either of those prisons for the last 10 years?

Mr. FLOOD. I do not think that is a fact.

Mr. BENNET. I remember when I was in Smyrna in 1907 they had not had anybody in that prison for some years before that. I think it would be in line with what the gentleman's committee did about the other item, for marshals, to leave these items out and add these amounts to the appropriation for officials at these two places. I think they are needed more than the jails.

Mr. FLOOD. We will take that into consideration when we make up the next bill.

Mr. BENNET. All right. I do not want to strike them out now.

The Clerk read as follows:

For the purchase of grounds and buildings at San Jose, Costa Rica, and for such alteration, repair, and additional furnishing of the same as may be necessary for the use of the legation to Costa Rica, both as a residence of the minister and for the office of the legation, \$40,000.

Mr. HICKS. Mr. Chairman, I move to strike out the last word merely for the purpose of inquiring of the chairman of the committee if any provision has been made in this bill or previous bills for the repair of the legation buildings at Bangkok, Siam?

Mr. FLOOD. No.

Mr. HICKS. The purpose I have in making the inquiry is this: About three years ago I was in Bangkok, Siam, and visited the American Legation there. The building in which it was housed was in a most pitiful condition. It seems that some 20 years ago the Siamese Government gave to this Government a splendid site on the Menam River, adjoining the English Legation, and also presented us with a building that was standing upon the ground. Yet from that day to this, as I understand it, not one dollar has been expended in keeping that building in a proper state of repair. The result was that when I visited that building there was only one room fit for occupation, and the entire building was in such a state of decay that the American minister was forced to rent quarters in another part of the city, while the building, on one of the most desirable sites in Bangkok, was absolutely neglected, owing to the parsimonious policy of this Government. I think it is a mistake to be so economical, and the failure to provide adequate quarters for our representatives tends to weaken the influence of our diplomatic agents in foreign countries.

Mr. MANN. It is not on account of the policy of Congress. We appropriate \$500,000 or \$600,000 every year that can be utilized for the repair of such buildings. It is in the discretion of the State Department. I do not think it has ever been entirely used in any year. I think the gentleman ought to make his contribution of experience to the State Department.

Mr. FLOOD. The Congress has made a number of appropriations for the purpose of buying and building embassies. The one the gentleman speaks of has never been brought to the attention of the Committee on Foreign Affairs, nor have we seen any recommendation by the Department of State with reference to it.

The Clerk read as follows:

SEAMEN'S MISSION AT RIO DE JANEIRO, BRAZIL.

Annual contribution toward the support of the seamen's mission at Rio de Janeiro, Brazil, \$50.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee how long this item with reference to the Seamen's Mission has been in the bill.

Mr. FLOOD. It is a new item; this is the first time it was ever in the bill.

Mr. BENNET. The language refers to an annual contribution.

Mr. FLOOD. It is expected to be annual hereafter, but this is the first contribution.

Mr. BENNET. What is the particular reason for it at this time?

Mr. FLOOD. I think there is an organization of philanthropic people who have organized a kind of boarding house or hotel for the purpose of protecting the seamen from robbery and exactions by the boarding houses at Rio de Janeiro. They want to interest this Government and also the Brazilian Government in it.

Mr. BENNET. This contribution to a humble mind would seem to be too small to be of any particular benefit.

Mr. FLOOD. It may be that the purpose was to get recognition from the two Governments for this institution, so that the seamen when in this city would be directed to this particular place; but, on the other hand, it may have a better purpose, and we took chances on it.

Mr. BENNET. It is possible that whoever runs the boarding house gets the right to say to those who patronize it or from whom she solicits subscriptions that she has the patronage of Brazil and the American Government and that thereby she will make the enterprise a success.

Mr. FLOOD. It is possible that the recognition will be abused, but in the opinion of those we had before the committee it will not be.

Mr. BENNET. Does the Secretary of State recommend it?

Mr. FLOOD. He does.

Mr. BENNET. As the gentleman knows, the hearings before his committee have not been printed.

Mr. FLOOD. No. The gentleman saw what was in the estimates in regard to this matter.

Mr. BENNET. Yes; and in the report; but that was not conclusive.

Mr. FLOOD. No. I say it is possible that we may be wrong in connection with it, but we had laid before us the statement, and we believed from this statement that this appropriation would be helpful to the American seamen in that port.

Mr. BENNET. Well, it is Christmas; let it go through.

The Clerk completed the reading of the bill.

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ADAIR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19300, the Diplomatic and Consular appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FLOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. CANDLER of Mississippi. Mr. Speaker, the gentleman from South Carolina [Mr. LEVER], chairman of the Committee on Agriculture, has been called away on account of sickness. As acting chairman, by direction of the Committee on Agriculture, I report for him the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918 (H. Rept. 1248).

The bill was read a first and second time and, with accompanying papers, was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN reserved all points of order on the bill.

VOCATIONAL EDUCATION.

Mr. HUGHES. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11250, known as the vocational education bill; and pending that motion I will ask unanimous consent of the House to discharge the Committee on Education from further consideration of Senate bill 703, a similar bill; that the Senate bill be considered in lieu of the House bill; that it shall be in order to strike out all of the text of the Senate bill and insert in lieu thereof the text of the House bill; and that the discussion proceed under the five-minute rule upon the Senate bill thus amended.

The SPEAKER. The gentleman from Georgia moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the vocational education bill, and pending that motion he asks unanimous consent that the Committee on Education be discharged from the further consideration of the Senate bill on the same subject and that the Senate bill be considered. Is there objection?

Mr. MANN. Mr. Speaker, that is not all of the request. As I understand the gentleman from Georgia, he asks unanimous

consent that the reading of the Senate bill be dispensed with and that it shall be in order at once, when we reach the five-minute rule, to offer the text of the House bill as an amendment to the Senate bill, strike out all after the enacting clause in the Senate bill, and that the amendment thus offered shall be considered as the original bill, so far as amendment and debate are concerned.

Mr. HUGHES. That is correct.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HUGHES. Before we go into Committee of the Whole, can not we make some agreement on time for debate?

Mr. MANN. Does the gentleman think we can do any more than get through with general debate to-day?

Mr. HUGHES. I do not think so.

Mr. MANN. Then I do not see any object in agreeing now to close debate.

The motion of Mr. HUGHES was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. PAGE of North Carolina in the chair.

Mr. HUGHES. Mr. Chairman, just before this House adjourned at the last session, the House was kind enough to extend to me all of the time that I requested as chairman of the committee to present this bill to the House. Therefore I shall not occupy further time of the committee, but I do wish to say this, that the Committee on Education has had this bill under consideration for many, many months. They have given it their most careful thought, and after doing so they reported that bill out unanimously. Mr. Chairman, the Senate has passed a vocational education bill, and there are only a few controverted points between the Senate and the House, and with this statement I now yield the floor to the gentleman from Iowa [Mr. TOWNER] and reserve the remainder of my time.

The CHAIRMAN. The gentleman from Georgia reserves the remainder of his time, and the gentleman from Iowa is recognized for one hour.

Mr. TOWNER. Mr. Chairman, I hardly know what time of the committee to take in the discussion of this bill (S. 703). I presume it must be familiar generally to members of the committee. Fortunately we have had the particular terms of the bill ably and admirably presented to the House by the gentleman from Ohio [Mr. FESS].

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. SHERWOOD. How much will this bill carry, or how much will it require, in the gentleman's judgment?

Mr. TOWNER. The amount, I will state to the gentleman from Ohio, is cumulative. The amount that will be appropriated the first year, if all of the States accept the provisions of the act, would be \$1,700,000. The total amount that would be appropriated at the end of the cumulative period would amount to \$7,200,000. The gentleman understands that these amounts are increased from year to year.

Mr. SHERWOOD. Who is to have the disposition of this money?

Mr. TOWNER. The commission will have the general disposition of it and the States will have the immediate control of it. It is not expected that the commission will control the money that is appropriated in its immediate application, but having established standards, and the board under the terms of the bill may establish standards, it turns the fund over for its practical and immediate application to the State authorities.

Mr. RUSSELL of Missouri. Mr. Chairman, will the gentleman permit a question upon that point?

Mr. TOWNER. Certainly.

Mr. RUSSELL of Missouri. As I understand the bill every State, before it can get the benefits of the bill, must, by some legislative act, provide for expending a similar amount by the State?

Mr. TOWNER. The gentleman is correct in that.

Mr. RUSSELL of Missouri. What I want to ask, thinking of my own State, naturally, is this: This bill may not become a law until our legislature this winter has adjourned, and it would not meet again for two years. Would there be any probability of the State losing its share of this fund during those two years when there is no legislature in session?

Mr. TOWNER. I think not. Of course affirmative action must be taken by the States. But the right to the fund is not lost. Still it might be considered best to call a special session.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BORLAND. The good-roads bill had a similar provision, that the law must be accepted by the State legislature, but it contained a provision that pending the meeting of the State legis-

lature the acceptance of the governor would be valid until the last day of the next succeeding session of the legislature. If that provision is not in this law, and I am not sure whether it is or not, it ought to be put in.

Mr. TOWNER. There is no provision of that kind, but I know of no particular reason why it might not be included.

Mr. RUSSELL of Missouri. That is what I had in mind. I thought there ought to be some provision in the law to provide for cases of that kind.

Mr. TOWNER. I know of no reason why an amendment may not be presented to cover the point made by the gentleman from Missouri.

It may be of some interest to members of the committee if something be said as to the origin and development of this legislation.

HISTORIC SKETCH.

In 1859, Senator Morrill, of Vermont, introduced and secured the passage through Congress of the first bill creating State agricultural and mechanical colleges.

This bill was vetoed by President Buchanan, because he feared it would "cause the States to lean upon the National Government for the support of their own educational systems," and because he considered it unconstitutional.

It was reintroduced by Senator Morrill, again passed Congress, and was signed by Abraham Lincoln. It became a law in 1862.

This law gave to each State 30,000 acres of public land for each Senator and Representative in Congress for the support of at least one college in each State, the leading object of which would be to teach agriculture and the mechanic arts. This was the first aid granted by the Nation for vocational education.

In 1887 Congress passed the Hatch Act, under the terms of which a State agricultural experiment station was established in each State, and \$15,000 was appropriated from the National Treasury annually for its support.

In 1890 an act was passed by Congress known as the second Morrill Act, granting to the colleges created by the first Morrill Act \$25,000 annually in their support.

In 1906 what is known as the Adams Act was passed, by which an additional sum of \$15,000 annually was given each State for conducting original research and experiment work in "agricultural industry."

In 1907 another act of Congress was passed, known as the Nelson amendment, which gave \$25,000 each year in the further support of the Morrill agricultural colleges, a portion of which was to be expended in preparing instructors for teaching agriculture and the mechanic arts.

In 1907 Mr. DAVIS of Minnesota introduced a bill to make an annual appropriation for industrial education in both agricultural and city schools and for branch experiment stations.

In 1910 Senator Dolliver introduced a bill of similar character on which extended hearings were had. The bill was favorably reported, and it is thought would have become a law but for Senator Dolliver's untimely death.

In 1912 Senator PAGE, of Vermont, introduced what is known as the Page bill. It embodied the main features of the Dolliver bill, but was much wider in its scope and more elaborate in its provisions.

About the same time Senator SMITH of Georgia and Representative LEVER of South Carolina introduced a bill to establish agricultural extension departments in connection with the Morrill agricultural colleges. This bill became a law and is now known as the Smith-Lever Act.

Owing to a friendly controversy which arose between the friends of vocational education as to the scope and terms of the contemplated legislation a joint resolution was passed by Congress providing for a commission which should consider the need and report a plan for national aid to vocational education. The commission consisted of Senators HOKE SMITH and C. S. PAGE, Representatives DUDLEY M. HUGHES and S. D. FESS, and JOHN A. LAPP, FLORENCE M. MARSHALL, AGNES NESTOR, C. A. PROSSER, and CHARLES H. WINSLOW. Their report was filed June 1, 1914. As might have been expected from a body composed of such able men and women, the report is able, exhaustive, and has been of great value in subsequent consideration of the proposition.

Senator SMITH introduced in the Senate and Representative HUGHES in the House bills embodying in substance the recommendations of the commission. The Smith bill passed the Senate without material alteration. The Hughes bill was reported to the House with some changes, the principal one being the constitution of the board.

In the original bill the Federal board was composed of the Postmaster General, Secretary of the Interior, Secretary of

Agriculture, Secretary of Commerce, and Secretary of Labor. In the amended Hughes bill the board is to consist of the Commissioner of Education and four associate members to be appointed by the President.

NATIONAL CONTROL.

It is not the purpose of this bill to supersede or supervise the great work of educating the people now so successfully carried on by the States.

The need of special work has become manifest. This work will require large additional outlays. It is entirely proper that the General Government shall stimulate and assist in this work. The entire work of supervision, teaching, and administration is left with the States. The only limitations placed upon the States are those which are intended to insure the application of the funds for the purposes intended.

It has been strongly urged that appropriations from the National Treasury for educational purposes are not authorized by the Constitution. That was one of the grounds upon which President Buchanan based his veto of the first Morrill bill. But Abraham Lincoln was at least as good a lawyer and as great a statesman as James Buchanan, and he approved the Morrill bill. It should be remembered that James Buchanan also vetoed the homestead bill, which Abraham Lincoln afterwards signed. Buchanan also considered the homestead act unconstitutional.

Altogether, the National Government has granted for schools and colleges nearly 150,000,000 acres of land from the public domain.

Nor have its grants been limited to land alone. Since 1887 direct appropriations of money from the Treasury have been made in many instances. It is too late now to question the constitutional right of the Government to aid the States in any project of education, broad enough in scope to be considered national, and making for the general welfare of the whole people of the Union.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BORLAND. I am very strongly in favor of this legislation, and I have no doubt of its constitutionality; but I want to ask the gentleman whether there is not a distinction between making grants of land or even appropriations of money to the States for educational purposes and establishing a supervisory board which shall have executive duties in regard to such education? Is there not quite a distinction between those things, and are we not in this bill, as we were in the good-roads bill, really assuming activities that we formerly thought were not within the scope of the Federal power?

Mr. TOWNER. Mr. Chairman, I recognize the strength of the suggestion, but I think that it can hardly be said that the bill establishes a supervisory board with executive duties. The bill itself establishes standards, or rather requisites, compliance with which entitles the States to their quota; and the board has little to do beyond determining whether the States have complied with the requirements of the bill. I think the gentleman will agree with me that where conditions are imposed by the terms of an act it is entirely proper to leave to some executive department or to some board or commission which Congress may create the duty of determining whether or not those conditions have been met, and that is all this bill does.

Mr. BORLAND. I heartily agree with the gentleman. I think it is unwise for the Federal Government to grant either appropriations of money or land donations unless it reserves to itself the right of supervision and control over the expenditure of that fund; and yet it does seem to me that it is a departure from the real old-fashioned ideas of State rights, which jealously exclude the Federal Government from any of these activities.

Mr. TOWNER. Well, I hardly think, I will say to the gentleman, that this bill goes too far. The gentleman will observe that by the terms of the bill the immediate application of the fund is left with the States. This is not only wise for constitutional reasons, but also because the needs of the States and localities are so varied that it would be impossible to frame general provisions that would be adapted to the needs of the whole country and each particular locality. The State boards, however, are acquainted with local conditions and can wisely and intelligently make application of the funds.

THE COST.

It is admitted that vocational teaching is expensive. The requisite apparatus and material make it so. But on the other hand, there is no other form of education that makes so immediate and so large financial returns. The demand is constant and insistent for skilled labor. The educated mechanic and artisan are in greater demand and command higher wages

than ever before. We are the most intelligent of peoples, and have more initiative and adaptation. And yet we are behind other nations in efficiency. Under normal conditions 65 per cent of our exports are unmanufactured, crude products. Every bushel of grain, every bale of cotton, every bar of iron or copper that we send in that form across the seas to be there formed for service by more skilled hands is a confession of our own ignorance, incompetence, and inefficiency.

Appropriations for the industrial education of our people can not be called extravagance or wastefulness. It is not a gratuity, it is an investment. It is not a charity, it is an advancement. As an investment, it will pay better returns than any other that can be proposed. As an advancement, it will bring us not only interest, but the accumulated profits of a larger prosperity and a better citizenship.

AGRICULTURAL TRAINING.

The improvement and development of rural life in the United States is of immense importance. If it shall not keep pace with the progress of the times and the growth and development of the Nation in other regards, the results will be not merely unfortunate but calamitous. We have as a heritage the greatest national resources for agricultural production and development of any nation in the world, greater even than all the nations of Europe combined.

Farm life in the United States offers the surest, healthiest, happiest means of livelihood. But neither happiness nor success can be obtained on farm, plantation, or ranch without knowledge. The drudgery of farm life which has been so marked a feature in the past, and which still discredits it in the general esteem, will slowly disappear in the light of wider knowledge and better methods.

Science has touched farm life as with a magic wand, and it has blossomed beneath its potent touch. In the sunny Southland where one-third of a bale of cotton has with difficulty been obtained from an acre of land, it has been demonstrated that three bales can be added to the Nation's wealth. On the broad prairies of the West, where 15 bushels of corn per acre by hard and arduous toil were in the years gone by secured, 75 bushels are now being added to the food products of the world. In the farther West, where on the sandy barrens nothing but burrs and cactus were found, millions of acres of wheat are now yearly yielding their golden store. A machine does the work of a dozen men. Swine and cattle and horses have doubled in average size. Farm appliances have multiplied and cunning inventions lessened toil.

This and more science has done and can do for agriculture. Still these are individual instances. Unfortunately, general conditions are not so good. Our average yield of wheat per acre is 15 bushels. That of Germany is 32 bushels. We have the superior soil and climate; Germany superior knowledge and skill. We can easily double our present average production of cotton and corn. What is needed is better education, wider knowledge, vocational training.

Ignorance not only prevents success, it brings disaster. We have not only the largest agricultural area, but the richest and most productive soil in the world. But our virgin soils of almost unlimited original fertility have been and are being despoiled of their productive capabilities by our wasteful, improvident methods of farming. We have been stealing our stored-up wealth of nitrogen and potash and humus, and not restoring them. And restoration can easily be made by rotation of crops, by fertilization, and by better methods of cultivation. But that, too, demands knowledge, education, vocational training.

In our extension work so successfully inaugurated by our Department of Agriculture in collaboration with the State agricultural colleges, and in our experiment stations, we are taking to the adult farmer of to-day these lessons as well as we can. But the greater need is to teach the boys of to-day who will be the farmers of to-morrow these lessons so important and necessary. This is vocational education.

It is singular how educational methods have been controlled for so long in the interests of the professions and the merely theoretical branches of knowledge. It has been considered important to solve a problem in geometry, but not of any value to be able to analyze soils. It has been considered a great accomplishment to parse a sentence, but not necessary to know how to test seed corn. It has been deemed essential to name the boundaries of Bolivia, but of no importance to judge live stock. The boys' and girls' clubs have shown what a combination of scientific knowledge with youthful enthusiasm can accomplish. It is to spread abroad this knowledge, and to vivify and fuse it with the energy and ambition of all rural young America that vocational training in agriculture is intended.

IN INDUSTRY AND TRADE.

From 85 to 90 per cent of our boys in the cities leave the schools in the grades. Less than 8 per cent graduate from our high schools. Less than 3 per cent attend college.

Leaving schools as most of them do at 14 or 15 years of age, they go out into the life of the world unprepared for its duties, undeveloped in capacity, untrained in judgment. Not qualified for effective work, and unable to obtain a job, idleness like a blight settles upon them. The lure of vice and crime is ever before them. It is a wonder so many escape becoming degenerates and criminals.

It is believed that by making vocational training an adjunct and supplement of our present school work two things can be accomplished. First, it will keep the youth in school a longer period and so increase their store of general knowledge. Second, it will so vocationally prepare them that immediately on leaving school they may go into remunerative employment without the intermediate period of idleness or desultory work.

It has been well said that a vocational education helps a boy "to find himself." It enables him to become at the outset of life independent. It is democratic, because it makes skill and efficiency the criterion of success, rather than wealth or social caste. It impresses, as nothing else can, the dignity of labor. It makes idleness disgraceful and loafing a reproach and a shame. Socially it will be valuable, politically it will be beneficial, economically it will be indispensable.

In the trade wars which will surely come when the European wars shall end the nation which depends for its skilled labor upon those prepared only by the "rule of thumb" will be forced to surrender to the trained armies of industry, who will win every victory because they will be better prepared.

We are greatly concerned about our military preparedness, and are spending hundreds of millions to correct our defects in that regard. But apparently we are little concerned about our industrial preparedness. We have seen our commerce driven from the seas. We have seen the markets of the world controlled by our trade rivals. We only prosper under normal conditions by furnishing with rude work the raw material for those better trained to fashion for use. Theirs is the higher employment. Theirs is the greater profit. With the greatest opportunity, with the greatest natural resources, with the best human intelligence available in all the world, we see ourselves vanquished in every industrial campaign. Our indolence, our conceit, and want of preparation are our constant menace.

Every boy vocationally trained is a vital factor in our problems. He is taken from the waste and useless, or the dangerous and destructive class, and immediately becomes a dynamic unit making for the progress of our industries and the development of our trade. There is no investment that society can make that will yield such large dividends as an industrial organization trained and effective. There is no adjunct making for social betterment and a wider diffusion of happiness than industrious, ambitious, energetic workingmen. There is no better way to elevate and dignify labor than to train it, to educate it, to make it efficient. That is why industrial education is so necessary. That is why the Government must become interested in the vocational training of its citizens.

HOME ECONOMICS.

Home economics is a much more comprehensive term than would probably be inferred. In its broad sense it is the science of home making. It includes all those means by which the conditions of home life in America can be improved.

Elementary studies would include heat, light, water, and sanitation. Cooking, sewing, the growing of food, its preparation, and preservation; the making, purchase, care, and repair of clothing; the care of babies and children; the means and taste in making the home attractive—these are among the things that will occur to everyone.

Besides, the true home maker should know how and have the means to give first aid to the injured, should understand the preparation of foods for invalids, the value of foods that enter into daily consumption, both on the market and as body builders. She should understand ventilation, hygiene, practical physiology, the prevention of preventable diseases, house planning, laundry work, all forms of useful and decorative needlework, household decoration, and household bookkeeping.

There can be no more important work than to aid directly and efficiently in home making. Ninety out of every 100 girls in the United States leave school in the seventh and eighth grades. Without any knowledge of the practical affairs of life, without any experience except that derived from observation, they go into the world to become the mothers and home makers of America.

Under present conditions the girls' education is more directed to the making of school-teachers or shopgirls than to the making of home makers.

Medical authorities tell us that 500,000 deaths occur each year in the United States from preventable diseases. The economic waste and human suffering from illness not resulting in death that could have been avoided by a greater knowledge of hygiene and sanitation is beyond computation. The infant mortality in the United States is now about 13 for every 1,000 of the population. This could be reduced, as has been practically demonstrated, to at least 4 for every 1,000 by merely a wider diffusion of knowledge and the application of known and easily applied rules of health.

The greatest of all vocations is that of home making and motherhood. The American home is our surest safeguard, as it is our surest source of happiness. Our home makers are our real nation builders.

Every girl should be fitted for home making and for motherhood. No matter what may be the intermediate means of livelihood, it is as a wife and mother that she will attain her fullest development and fulfill her manifest destiny. It may be well for her to prepare to earn her own living, but it will be unfortunate for her and unfortunate for the Nation if she be not prepared as well for home making and motherhood. This is why the subject of home economics is of so great, so supreme importance.

Mr. Chairman, I am not going to take any further time of the committee unless there are some questions in the minds of Members which they desire to present.

Mr. RUSSELL of Missouri. The gentleman has studied this question and no doubt can advise me. There are some matters which have suggested themselves to my mind in connection with the bill. It is provided that the States shall in some way provide a board to give attention to the expenditure of the funds in the several States. Now, will the State boards provide the places where this money is to be expended?

Mr. TOWNER. Certainly.

Mr. RUSSELL of Missouri. They could, if they desired, give it to one institution in the State, the university of the State, for instance?

Mr. TOWNER. I hardly think so under the terms of this act.

Mr. RUSSELL of Missouri. I find the State board is to file plans of the way in which the money is to be expended, and that must be approved by the national board, but I think in all probability the action of the State board in determining where it should be expended would be approved by the national board, and it seems to me that there may be danger of this fund not reaching the State at large but that it might be confined to a few.

Mr. TOWNER. I will say to the gentleman that somewhere must rest responsibility for the distribution of the funds. If we have this double check upon an unwise distribution or application of them, it occurs to me we are pretty well guarding its use.

Mr. RUSSELL of Missouri. It seems to me that the money ought to be, by the State board, fairly distributed in all sections of the State among the institutions that are now maintaining successfully departments of agriculture and of other subjects as are provided and required to be taught by this bill.

Mr. TOWNER. I quite agree with the gentleman.

Mr. FESS. Will the gentleman yield to me?

Mr. TOWNER. I will do so very gladly.

Mr. FESS. In reference to the application of it, no university would get any of this money save that particular portion which is intended to teach or to train the teachers for this kind of work, and the limit of that amount is \$1,000,000, while \$6,000,000 is to go for the payment of teachers for doing the work.

Mr. RUSSELL of Missouri. Now, the Missouri State University has a department of agriculture. Would not they get a part of this money?

Mr. FESS. Not unless it is under the college grade. There is a provision that none can go for teaching above the college grade.

Mr. RUSSELL of Missouri. I know the gentleman has given this a great deal of study.

Mr. FESS. No; it can not be applied to anything above the college grade; it has to be under the college grade.

Mr. RUSSELL of Missouri. Then, it could probably be applied to the high schools of the State which teach agriculture?

Mr. FESS. They would on the requirements of the State board; yes.

Mr. RUSSELL of Missouri. I understand from the gentleman it might include the high schools, but not the State universities?

Mr. FESS. Yes; those schools under public control.

Mr. TOWNER. Not exclusively the high schools. The gentleman is well aware that in many of the States consolidated rural schools are being formed that can very well use this fund, or part of it, as well as other schools under the college grade.

Mr. RUSSELL of Missouri. Well, that will meet with my approval in every way. I think it ought to be distributed over the State so as to benefit equally the people of all sections of the State.

Mr. FESS. That is the idea.

Mr. TOWNER. I will say to the gentleman that is the principal object of this legislation. Mr. Chairman, I reserve the balance of my time.

Mr. POWERS. Mr. Chairman, the gentleman from Iowa [Mr. TOWNER] has given a very able dissertation upon the general purposes of this bill. I think I shall take the bill up rather section by section, and I shall explain, as well as I can, the purposes of the bill as gathered from its various sections. Section 1 of the bill sets out its general purposes. It provides there shall be authorized to be annually appropriated to the States certain sums of money, which other sections of the bill set out, for the purpose of cooperating with the State in paying the salaries of teachers, supervisors, and directors of agriculture subjects and of teachers of trade and industrial subjects and in the preparation of teachers of agriculture, trade, industrial, and home economics subjects, and there is another section—section 7—that sets out that \$200,000 shall be annually appropriated for the use of the Federal board.

It will be observed, then, that section 1 sets out that the purposes of these appropriations are, first, for the paying of the salaries of teachers, supervisors, and directors in teaching agricultural subjects; and, second, paying the salaries of teachers in trade, home economics, and industrial subjects. The third appropriation is for the purpose of paying the salaries of teachers who instruct teachers to teach these various branches. I want to say at this point that the Committee on Education has had a meeting or two since the beginning of this session of Congress, and it was our purpose to go over this bill again section by section and see whether or not any members of the committee had any amendments to offer to the bill. The lack of time has prevented us from doing this. This bill was unanimously reported by the Committee on Education on the 12th of February last. Some of us have been giving some study and investigation to it since that time, and since this bill can not be acted on until after the holidays I am going to suggest to the committee certain amendments, which, I think, ought to be incorporated in the bill, and I will do that as I go along. Then they will have an opportunity to look it over between now and the convening of Congress after the holidays. I hope we can have a meeting before Congress convenes after the holidays and go over all of them carefully.

We set out here, for instance, in section 1, that the money shall be used to pay the salaries of teachers, supervisors, and directors of agricultural subjects, but when we come to the teachers of home economics and industrial subjects we leave out the words "supervisors and directors." My judgment is that we have just as much use and need for paying of the salaries of supervisors and directors in the teaching of these other subjects as we do in the teaching of the subject of agriculture. And on page 1, line 9, I shall offer an amendment to add the words "supervisors and directors."

Section 2 of the bill provides that this appropriation which the Federal Government is to make shall be paid for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects. It authorizes an appropriation of \$500,000 for the fiscal year ending June 30, 1917, for this purpose. Each year thereafter this amount is to be increased until the year 1925, when it reaches the sum of \$3,000,000, and annually thereafter \$3,000,000 is to be appropriated for this purpose.

Mr. FESS. Will my colleague yield there?

Mr. POWERS. Very gladly.

Mr. FESS. The agricultural work admits, or rather invites, the supervisor and the director, because the recitation work would be done largely in the winter months, and the demonstration work, under the head of director or supervisor, would be in the spring and fall months, when farming could be properly done, outside, of course, of the wintertime.

Mr. POWERS. Yes.

Mr. FESS. Now, we saw no particular reason why the Government should furnish money for directors and supervisors of trade and industrial teaching, largely because those people do not exist as they do in the agricultural work. We would be

legally creating what are not now in existence. And that is why the commission, before it got to the committee, omitted "director and supervisor of trade and industrial subjects."

Mr. POWERS. I will say to the gentleman that it is not my purpose at this particular time to enter into a discussion of the reasons for the amendments which I propose to offer. I hope to do that when we consider the bill under the five-minute rule. I do not want to consume too much of the time of the House, and it will take a good deal of time to explain the provisions of the bill section by section. I thank the gentleman, however, for the information he has extended.

Now, this \$3,000,000 that is to be paid in salaries for the teachers of these agricultural subjects annually is to be apportioned to the various States in the proportion that the entire rural population of a particular State bears to the entire rural population of the United States, not including the outlying possessions. This bill further provides that up to 1923 from the time this act takes effect that no State shall receive less than \$5,000 in its allotment, and from 1923 it shall not receive less than \$10,000. The idea of the commission was that money less than those amounts going to a State would not be of any practical value.

Mr. HASTINGS. Will the gentleman yield?

Mr. POWERS. I gladly yield.

Mr. HASTINGS. How is this money expended in the States under this provision? Suppose the gentleman's State of Kentucky was to get \$30,000 or \$40,000. To whom does that go, and what authority in your State says how it shall be contributed or used and in what schools it will be used?

Mr. POWERS. This bill provides in section 5, I believe it is, that the legislatures of the various States must accept by legislative enactment the provisions of this bill and create or designate what is known as a State board composed of not less than three parties. Now, this State board will act as the agent of the State. This Federal board will act as the agent of the Federal Government in working out, or applying, rather, the provisions of this bill, if it should become a law.

Mr. RUSSELL of Missouri. There is no provision in this bill, is there, providing for the payment to any State its share of this fund until the State by legislative act provides some way for paying a like amount out of the State funds?

Mr. POWERS. The gentleman is correct.

Mr. RUSSELL of Missouri. Now, the question I asked the gentleman from Iowa [Mr. TOWNER] a moment ago I would like to ask you; don't you think this bill should be amended so as to provide in some way that my State and other States shall not lose their part of this fund pending the session of the legislature, that may not convene for two years or more after this bill becomes a law?

There is \$500,000 to be paid, I believe, in this fiscal year under this bill?

Mr. POWERS. Yes, sir. More than that.

Mr. RUSSELL of Missouri. Five hundred thousand dollars in this fiscal year, as I understand.

Mr. FESS. Three times five hundred thousand dollar funds; total, \$1,500,000.

Mr. RUSSELL of Missouri. Whatever it may be. The legislature of my State will convene now in about two weeks, and it sits only 70 days, and it will probably adjourn before this becomes a law. There will be no other session of the legislature unless a special session is called. What is the probability of the State of Missouri getting its share of this fund pending the session of the legislature that may be two years off?

Mr. POWERS. I will say to the gentleman from Missouri that section 5 sets out that after June 30, 1918, no State shall receive any appropriation for salaries of teachers, supervisors, or directors of agricultural subjects, unless it has complied with the provisions of this law in regard to paying the salaries of teachers to train teachers to teach these subjects.

Now, I agree with the gentleman from Missouri [Mr. RUSSELL] that that ought to be moved up a little bit; that 1918 will not possibly be time enough to give the various States opportunity by legislative enactment to accept the provisions of this bill.

Mr. RUSSELL of Missouri. The State of Mississippi has a session of the legislature but once in four years.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio?

Mr. POWERS. Yes.

Mr. FESS. The limit of 1918, there, is applied to this provision?

Mr. POWERS. Yes; as to preparing teachers to teach.

Mr. FESS. It is provided that if any State does not care to accept all these features, the agricultural training and the trade

and economic teaching, it can take any one of the three; but the States are required to use but the portion for 1918 for the training of teachers. Otherwise they can not get what they want. In other words, if they do not use the portion for teaching up to 1918, they can not have an option.

I think, with my colleague, it is proper for us to move that date up so as to include the situation that the gentleman from Missouri [Mr. RUSSELL] says exists there, and the situation that Alabama has and Mississippi also. I think that can very easily be done. The funds will be cumulative, however, so that the States will not lose it. If they can not take advantage of it immediately, they can take advantage of it later on.

Mr. POWERS. If any State should take advantage of this provision as to preparing teachers to teach, later on, they can take advantage of that part relating to the payment of salaries of the teachers to teach, either in these agricultural subjects or the trade subjects or economic subjects. All that they are required to do before 1918 is take advantage of that part of the fund providing that they shall expend so much in the preparation of teachers to teach. So far as the other two divisions of it are concerned, I know of no other limitation than this.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Oklahoma?

Mr. POWERS. Yes.

Mr. MURRAY. Mr. Chairman, in the gentleman's response to the question of my colleague [Mr. HASTINGS] he explained one part of his question, but in order to get it direct I wish to ask him this: Is there anything in the bill that fixes a uniform method of instruction and industry? Is not that left, in other words, to be changed by the boards on the part of the States and the Federal Government?

Mr. POWERS. I shall be glad to point out to the gentleman from Oklahoma, and also to other gentlemen, the provisions of the bill touching that particular question. As I said a moment ago, section 5 provides that the legislature shall accept the provisions of this act and appoint a State board of not less than three people to cooperate with the Federal Government in carrying out the provisions of the law.

Now, this State board is to formulate all the plans for the expenditure of this money. They are to set out what the qualifications of the teachers shall be to teach these various subjects. The State shall provide the equipment and the buildings, and all that. In these plans the State board sets out what subjects are to be taught, except what this bill a little later on sets out. The purpose of this act, so far as the teaching of agricultural subjects is concerned, is to provide training for useful employment. No part of a college grade shall be taught. The pupils shall be over 14 years of age. These State boards shall arrange their program and plans and present them to the Federal board. The Federal board will make sure that the money is expended for teaching agricultural subjects. Such persons only as are entering upon agricultural life or are preparing to enter upon agricultural life or farm-home making are to be taught. These plans will all be submitted to the Federal board. They will either approve or reject them. So far as placing the money in any particular part of a particular State is concerned, or in any particular school, that is left entirely to the State board.

Mr. MURRAY. It does not follow under the law that each State has to have the same plan?

Mr. POWERS. No. Each State submits its own plans. This bill specifically provides that the State may take advantage of one or another of the funds, submitting its own plans, but it must take advantage of the provision requiring the preparation of the teacher within a given period, or it loses the chance to participate in the other funds.

Mr. MURRAY. Has the gentleman noticed the provisions of the Davis bill of a few years ago?

Mr. POWERS. I have not. Other Members may have done so.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. POWERS. Yes.

Mr. TOWNER. Mr. Chairman, referring further to the inquiry of the gentleman from Oklahoma [Mr. HASTINGS], the bill provides in section 13, I will say to the gentleman, that the fund is to be delivered to the State treasurer of each State, and it is to be by him disbursed as he may determine in conjunction with the action of the State commission. It is not expected that the requirements will be uniform in the various States. In fact the contrary is expected. It is expected that between the commission here in Washington and the commission of the particular State to be affected they may by conference agree upon the proper disposition of that fund, providing they come under the requirements of the act.

Mr. POWERS. Yes. I thank the gentleman for his further explanation.

Now, referring to section 3. That section provides for the authorization of an appropriation finally to be \$3,000,000 annually to be paid in salaries to teachers for the purpose of teaching trades, home economics, and industrial subjects. In other words, \$3,000,000 annually, beginning with the year 1925, is to go to the teaching of agricultural subjects under section 2, and under section 3, \$3,000,000 is to go annually to the teaching of all three of these subjects—trades, home economics, and industrial subjects.

Section 4 of the bill acts upon a somewhat different theory, just a little bit. That provides that for the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects, and of teachers of trades, industrial and home economic subjects, there shall be appropriated for the fiscal year ending June 30, 1917, \$500,000. This is increased until the year 1920, when it reaches a million dollars, and it stays at a million dollars each year thereafter. In other words, this is the section which authorizes the money to be appropriated to be paid teachers to train other teachers to teach these various subjects, agricultural, home economics, and industrial subjects.

Mr. COX. Will the gentleman yield?

Mr. POWERS. Yes.

Mr. COX. As I understand it, all this money is to be paid over by the Federal Government to the State board of education in the State, and then it is to be paid out upon order of the State board. Is that correct?

Mr. POWERS. That is hardly correct. As I understand the bill, these State boards act merely as the agents of the States. Now, this money is to be paid to the treasurer of each State, and the legislature of the State must designate that the treasurer of the State shall be the treasurer of this fund, and the treasurer of the State shall pay out the money upon the order of the State board, with the approval of the Federal board.

Mr. COX. Then, instead of my question being answered in the affirmative, it should have been answered, I presume, in the negative, that the salaries of these people employed for the purpose of qualifying teachers to teach the various things here set out in this bill will be paid on the order of the board or commission provided for in this bill.

Mr. POWERS. Yes; that is correct.

Mr. COX. They will fix the salaries?

Mr. POWERS. With the approval of the Federal board.

Mr. SHERWOOD. I understand that this bill is patterned after the technical schools in Germany, to give scientific, technical education. Am I right about that?

Mr. POWERS. So far as the teaching of the people to enter useful employment is concerned, it is patterned after the system in Germany.

Mr. SHERWOOD. That being true, should not this bill provide for a uniform system in all the States rather than leave it to the States to provide the system?

Mr. POWERS. The committee felt—and I think the commission felt—that the various interests in the States were so diversified that it would be a rather difficult thing to frame a bill that would cover all the various States uniformly.

Mr. SHERWOOD. I am in favor of the principle of the bill.

Mr. MURRAY. The gentleman from Missouri [Mr. BORLAND] would like to know whether this bill would compel them to work eight hours?

Mr. BORLAND. I should like to ask whether it would tend to educate men away from the idea of working eight hours? [Laughter.]

Mr. POWERS. I do not think it considers the exact number of hours that anybody shall work. I should like to call the attention of the chairman of the committee and also of the other members of the committee to this suggestion which I want to offer at the proper time. On page 6, line 4, we use the word "preparing" teachers, supervisors, directors, and so forth, to teach.

Now, as I understand it, this appropriation on the part of the Federal Government is to be used in paying the salaries of teachers engaged in the training of teachers to teach. The word "preparing" is perhaps broader than the idea we want to convey. To prepare means to provide with what is appropriate and necessary—to equip and fit out. I think we ought to strike out the word "preparing" and in its place insert the word "training." I think that is the purpose of the committee—to pay the salaries of teachers, supervisors and directors engaged in training teachers to teach, and I believe that word conveys the idea more clearly.

Section 5 of the bill has virtually been gone over. It provides how the State shall accept the provisions of this bill, by

legislative enactment, and create or designate its State board. It further provides how any one State can accept one of the funds or benefits under and not accept under another, provided it prepares its teachers to teach. It must do that.

And I want to suggest further to the chairman of the committee that the word "until," on page 8, line 7, should, I think, be "unless"; and the same thing is true in line 13, page 8.

Mr. TOWNER. Will the gentleman yield?

Mr. POWERS. I gladly yield.

Mr. TOWNER. If the gentleman would just as lief, I would suggest to him that the members of the committee had an informal conference, at which we endeavored to secure the gentleman's presence, but we could not find him, before taking up this bill; and if he will be kind enough to reserve section 6, which refers to the constitution of the board, until we can have an opportunity of talking it over, perhaps it will be better all around, unless that interferes with the gentleman's plan.

Mr. POWERS. It does not interfere at all, except in this particular, that I wish to offer an amendment to this section of the bill, and I thought I might have that read, so that it would appear in the Record, in order that the committee might have a chance to look at it during the holiday recess if they desired to do so. However, if the committee feel that we ought to have an informal conference, I will not offer it at this time.

Mr. RUSSELL of Missouri. The bill provides, as the gentleman has just stated, that a State may accept either one of these three objects for which the money is to be expended—that is, agriculture, trade, or economics. There are three divisions, and a State may accept either one or all.

Mr. POWERS. Yes.

Mr. RUSSELL of Missouri. If they accept one, does that mean that they get one-third, or can they get the entire amount?

Mr. POWERS. Section 2 provides that so much shall be appropriated to teach agricultural subjects and section 3 provides that so much shall be appropriated to teach other subjects. It is separated into different amounts.

Mr. RUSSELL of Missouri. I see.

Mr. POWERS. Mr. Chairman, I want to comply with the committee's request, so far as section 6 is concerned. I thought I would put forth the amendment which I have and will offer at the proper time. I will put it in the Record so as to let the membership have a chance to read it, unless the committee want me to withhold it.

Mr. LENROOT. I would be glad to have the gentleman do that. I would like to get the gentleman's ideas on this section.

Mr. POWERS. I will state that section 6 is possibly the section that will create the most contention. The Senate has enacted Senate bill 703, and it provides in section 6 that the Postmaster General, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Labor, and the Secretary of Commerce shall constitute the Federal board. The Commissioner of Education shall also be one of the members.

The bill as presented by the Committee on Education has taken a different plan. Our bill provides that the Commissioner of Education shall be the chairman of this board; that there shall be four other members appointed by the President, no more than two of whom shall affiliate with one political party. After giving this subject very careful consideration, I have come to the conclusion that neither one of these suggestions should be adopted, but that we ought to have a different sort of a board. I will ask the Clerk to read the amendment, which I will offer at the proper time along this line.

The Clerk read as follows:

Strike out all of section 6, on page 8, from lines 17 to 25, inclusive, and the words "per annum," first line on page 9, and insert in lieu thereof the following:

"That a Federal board for vocational education is hereby created, to consist of five citizens of the United States, four of whom shall be appointed by the President. Not more than three members of said board shall be of any one political party. One of these members shall be an employer of labor engaged in manufacturing, one an employer engaged in commercial pursuits other than manufacturing, one a representative of labor, and one a person engaged in agriculture. The Commissioner of Education shall be a member of the board. The board shall elect annually one of its members as chairman.

"In the first instance one of the members of the board shall be appointed for six years, one for five years, one for four years, one for three years, and the successors in office of such officers shall be appointed for a term of six years.

"The members of the board shall be paid for their services on the board a salary at the rate of \$5,000 per year, said salary to be paid out of the money appropriated for the work of the board in section 7 of this act: *Provided*, That the Commissioner of Education shall not receive for his services as commissioner and as a member of the board a total annual salary of more than \$7,000."

Mr. POWERS. I shall make no further comment on the proposed amendment at this time further than to say that the Senate bill contains this provision:

That there shall be selected by the board, among other assistants, a specialist on vocational education, to be the director of all vocational educational work, at a salary of \$7,500 per year; a specialist in agricultural education, at a salary of \$7,000 per year; a specialist in education in trades and industries, at a salary of \$7,000; a specialist in education in home economics, at a salary of \$5,000; a specialist in commercial education, at a salary of \$7,500 per year, who shall be paid out of the appropriations provided for in section 7.

The bill that we have presented to the House does not contain any section along this line, but merely provides, as I said awhile ago, that the Commissioner of Education shall be the chairman of the board, and that the other members shall be appointed by the President. My judgment is that if our bill is finally accepted we ought to have a provision in it in the way of covering not exactly this provision in the bill but something along this line. I will ask the Clerk to read that.

The Clerk read as follows:

On page 10, following line 19, add a new section, as follows:

"Sec. 6b. It shall be mandatory upon the Federal board for vocational education to appoint from time to time advisory committees made up of persons representing industry, commerce, labor, agriculture, home-making or general or vocational education, to assist them by advice in the administration of this act; but not more than \$50,000 shall be expended by the board in any fiscal year for this purpose."

Mr. POWERS. Mr. Chairman, I want to state to the membership that this bill was unanimously reported out by the Committee on Education, and, whether any of these amendments that I propose are adopted or not, I shall support the bill. I regard it as one of the greatest pieces of constructive legislation that has been presented for the consideration of this body since I have been a Member of it.

Section 7 of the bill provides that an annual appropriation of \$200,000 shall go to this Federal board for the purpose of carrying out the provisions of the act, and the duties of the Federal board are set out in section 6. It provides:

It shall be the duty of the Federal board for vocational education to make or cause to have made studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics.

This money is to be expended largely along that line.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. POWERS. Yes.

Mr. FESS. The Senate bill provided this board of experts for investigation.

Mr. POWERS. Yes.

Mr. FESS. The commission authorized that power without specifying who those persons should be. The only difference between the House bill and the gentleman's proposition is that the House bill carries that power, and this section appropriates the \$200,000 for the purpose, and we thought it was a little better to omit specifying that there should be a board made up of specialists, but to leave that with the Federal board to use its discretion, so that I think what the Senate has in its bill and what the gentleman suggests in his amendment is already carried, in fact I know it is carried, within the section, but it is not specified. That is the only difference.

Mr. POWERS. The section, as I understand it, provides that this board shall employ whatever assistance, and so forth, may be necessary to carry out the provisions of the act.

Mr. FESS. And those provisions to be carried out are to make these special studies or investigations which the gentleman mentioned a moment ago. The provision of the Senate bill to which I refer is as follows:

Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships; trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home processes and problems and requirements upon home workers; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects; and problems, requirements, and methods for the proper training of foreign-born persons for intelligent citizenship and industrial efficiency.

The difference is that we have specified what is to be done, while the Senate bill appoints this special board to be paid out of the \$200,000 appropriation, and as I understand the gentleman's amendment, it is something approaching the Senate bill. However, we thought it would be better, specifying what is to be done, to allow the latitude in the Federal board to appoint these commissioners, rather than to have them appointed by virtue of authority granted here.

Mr. POWERS. The gentleman refers to my second amendment?

Mr. FESS. Yes; the last one.

Mr. POWERS. I would remind the gentleman from Ohio [Mr. Fess] that section 7 of the bill further points out that the Federal board for vocational education may allot any part of

such appropriation to any United States department or bureau, for the purpose of making any study or investigation or any part thereof under the provisions of the act.

Mr. FESS. Yes.

Mr. POWERS. In other words, if this board should be composed of educators as suggested, with the Commissioner of Education, of course, himself an educator, it would be within the power of the board to allot the entire \$200,000, or any part of it it might deem proper to the Bureau of Education to make these investigations. Those of us who are afraid that a Federal board would be appointed largely of educators believe that this section 6 should be so amended that the great industries of the country that this bill proposes to try to reach and help should have representation on the board, and that they should be called in from the fields of agriculture, and that the commercial interests should be represented, and that the educational interests should be represented. The purpose of the bill is to reach and prepare the students for useful employment. That is the idea of it; that is the foundation of it; that is the reason of its existence. Statistics show that less than 2 per cent of the students who enter the schools finally go through college or the university. Statistics further show that of the people who finally enter the high schools not 1 in 10 ever go through the high schools of this country.

Mr. FESS. I am aware of those figures.

Mr. POWERS. Forty per cent of the students leave school before they reach the age of 14 years. Seventy per cent leave before they reach the age of 15 years and 85 per cent leave before they reach the age of 16 years. Now, this bill specifically provides that none of this money shall be used in teaching folks in the college grade, and it specifically provides that the purposes of this appropriation, the meaning of the act and the reason for its existence, is to teach the students some useful trade at which they can make a living with their hands after they leave the schools at the ages of 14 to 16 years. I now gladly yield to the gentleman.

Mr. FESS. I was referring not to the gentleman's amendment on section 6, but I was referring to the amendment that was given in lieu of the Senate amendment providing for specialists.

Mr. POWERS. It was not necessarily in lieu of the Senate amendment, I beg the gentleman's pardon, and if our bill goes through as we have framed it we will still leave the entire discretion to the board, the Commissioner of Education, and the four people to be appointed by the President. There is no provision in our bill at all along the line that the Senate has or along the line of the amendment I have suggested.

Mr. FESS. The power is in the section?

Mr. POWERS. The power is there. I agree that the power is there.

Mr. FESS. Now, would my friend yield?

Mr. POWERS. I will gladly yield.

Mr. FESS. In the discussion of the constitution of the Federal board there were a great variety of opinions. One man to whom we felt like yielding considerably wanted an ex officio board entirely and wanted the executive officer of that board the Commissioner of Education in the belief that nearly all the work would be done by the commissioner and the ex officio board would be made up of Cabinet members in order that we might work through these various executives heads. That was that contention. Then there were others who wanted a board of three ex officio members and four associate members, one of them to be the commissioner and the three ex officio members were to be the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. They wanted to link up the associate members, who would be the working element, with the governing authority of those three departments. Then there was still another contention, that we ought to have it organized on the basis of the Federal Reserve Board and let the ex officio members be the Secretary of the Interior, then let his subordinate, the Commissioner of Education, be a member of the board, and four other associates and have, say, the Secretary of the Interior at the head, the Commissioner of Education, and the four associates, so there was not any serious contention. It was just simply a sort of compromise and I do not think that the committee is going to be insistent at all upon any particular one of these.

Mr. POWERS. As I said to the gentleman from Ohio, I propose to support the bill whether any of these amendments are adopted or not. I simply offer them at this time so that members of the committee as well as Members of the House may have a chance to consider them if they desire.

Mr. LENROOT. Will the gentleman yield?

Mr. POWERS. I will yield.

Mr. LENROOT. With reference to section 7 and the maintaining of these advisory committees. If I understood the gentleman he conceded in reply to the question of the gentleman from Ohio [Mr. Fess] that under section 7 this board would be entirely free to appoint such advisory committees as have been mentioned by the gentleman. I want to ask him whether under section 7 the Federal board is not practically directed, in connection with the language of section 6, to make all of these investigations, through existing departments, and without some amendment there is not that discretion of which the gentleman speaks.

Mr. POWERS. I am not quite sure whether they are virtually directed to do it or not, but they have the power to do it.

Mr. LENROOT. The language is that they are required "so far as practical" to make these studies through these various departments.

Mr. POWERS. I believe that is the language of the section itself.

Now, I do not want to occupy too much of the time of this committee. I will speak of one further matter, and then if there are any questions—

Mr. HASTINGS. Before the gentleman gets away from the board that is provided for in section 6 of this act, I wish to say that I do not see any length of time for which this board can be appointed reported to the House. Is it four years?

Mr. POWERS. I think there is a provision covering that.

Mr. HASTINGS. Where is that found?

Mr. FESS. In section 6.

Mr. POWERS. Four years is the time.

Mr. TOWNER. It is found in line 22, page 8.

Mr. HASTINGS. I see; the last two lines at the bottom of page 8.

Mr. POWERS. I have a suggestion and observation that I would like to make concerning section 8. It provides that in order to secure the benefits of the appropriation for any of the purposes specified in this act the State board shall prepare plans showing the kinds of vocational education for which it is proposed that the appropriation shall be used, the kinds of schools and equipments, courses of study, methods of instruction, qualifications of teachers, and so forth, and that these plans are subject to the approval of the Federal board.

Here is one suggestion I want to offer to the chairman and the other members of the committee, and that is this, that this section as it now stands puts it up to the Federal board to accept the plans provided for by the State boards. They can either accept or reject, as they see fit. But there is nothing in the section which gives the Federal board the power to pass upon the real work done in the schools. The plans of the various States might be satisfactory, and yet the real work of the school might be very far from satisfactory. I think that not only the plans put up to us by the State boards should be satisfactory, but that the real work to be done in the schools should meet the approval of the Federal board.

Mr. FESS. Will my colleague yield?

Mr. POWERS. I gladly yield.

Mr. FESS. That provision says "plans," and then it goes on with other features, such as teachers, qualifications, methods of teaching, and so on.

Mr. POWERS. That is true.

Mr. FESS. And I think the results of the work would fall under that. I think that what my colleague said is pertinent, but I believe it is included in the bill.

Mr. POWERS. Well, these things ought to be submitted by the State board. I agree with my friend from Ohio [Mr. Fess] that the qualifications of teachers and plans and methods, and all that, are to be submitted by the State board. In other words, under the word "plans" these things are all included; and if these plans "meet the provisions of this act"—is the language here—if the plans submitted be in conformity with the provisions of this act, then it is up to the Federal board to approve the plans. The point I make is that the plans might be all there, and at the same time the quality of the teaching, the worth of the thing done, might be far from meeting the approval of the Federal board.

Mr. FESS. If any one of these items, like the method of teaching, would fall below the requirements of the Federal board, the Federal board could cure it by refusing the Federal allowance until that was corrected.

Mr. POWERS. That is very true.

Mr. FESS. And I was going to say, too, that that provision answers the question raised by the gentleman from Oklahoma [Mr. Hastings] a while ago as to the uniformity. The plan does not have to be uniform in all the States.

Mr. POWERS. I understand.

Mr. FESS. As the Members said, there was a great diversity.

Mr. POWERS. My suggestion is that the plan should not only meet the approval of the Federal board but the real work done should meet its approval.

Mr. RUSSELL of Missouri. Mr. Chairman, if the gentleman will permit, the language covering that idea is as follows:

The State board shall make an annual report to the Federal board for vocational education on or before September 1 of each year on the work done in the State and the receipts and expenditures of money under the provisions of this act.

That is at the bottom of page 11.

Mr. POWERS. That may cover the work done.

Mr. FESS. There is another provision, that when it does not meet the approval of the Federal board the State board will be punished by receiving no further allowance.

Mr. RUSSELL of Missouri. I understood the gentleman from Kentucky to say that this does not provide that State boards shall report to the Federal board on the work done. I think the language does cover that item.

Mr. POWERS. I am inclined to think that the gentleman from Missouri is correct in his contention, as well as the gentleman from Ohio. I had failed to note carefully that section of the bill.

Now, Mr. Chairman, unless there is some further question, I shall not occupy further time of the House. There are others here who desire to be heard.

The CHAIRMAN. The gentleman from Kentucky yields back the remainder of his time.

Mr. HUGHES. Mr. Chairman, I yield 10 minutes of my time to the gentleman from Massachusetts [Mr. DALLINGER].

The CHAIRMAN. The gentleman from Massachusetts [Mr. DALLINGER] is recognized for 10 minutes.

Mr. DALLINGER. Mr. Chairman, it is not my intention to go into the details of this bill now pending before the House. That has already been thoroughly done, first, by the distinguished chairman of the Committee on Education at the last session of this Congress, and next at this session by my learned friend, Dr. FESS, of Ohio, during the general debate on the Indian appropriation bill. Both of these gentlemen were members of the original commission which investigated this subject very carefully and exhaustively.

What I shall attempt to do in the brief time allotted to me is to point out the vital connection between his proposed legislation and certain other questions that have been engrossing the minds of the American people.

Throughout the last session of Congress the question uppermost in our minds was that of national preparedness. We were particularly concerned and the people of the country were particularly concerned with military and naval preparedness. Congress voted the largest appropriations for the Army and Navy ever made in the whole course of our history. In order to meet the demands of this expensive program for national defense we were obliged to resort to greatly increased taxation, thus diminishing the wealth of the Nation for purposes of destruction without any provision for replenishing the loss thus created. It must be evident that if we are to continue along this line—and the exigencies of the times in which we live seem to render it necessary—there must be a conservation of our national resources, another problem in regard to which much has been spoken and written in recent years.

A great deal of attention has been devoted to the conservation of our forests, our mines, and our water power, but very little regard has been paid to the conservation of our labor supply, upon which all production in the last analysis depends.

In this regard we are far behind the other great nations of the earth. The census of 1910 shows that in the United States only 38 per cent of the population were bread winners, whereas in France the percentage was 48; in Italy, 53; and in Austria, 55. In Great Britain 64 per cent of the population are engaged in manufacturing, mining, trade, and commerce, whereas in the United States it is only 40 per cent. More important than the construction of battleships and the purchase of munitions of war is the conversion of our large percentage of idle consumers into producers of national wealth. Hundreds of thousands of boys who are now running wild in our large cities can by industrial education be turned from paths of vice and crime into self-respecting, self-supporting, and contented, productive laborers. Moreover, while each year 3,000,000 boys and girls graduate from our elementary schools, an equal number, most of them less than 14 years of age, leave school by the end of the sixth grade, not fitted in any way to earn a livelihood and without any particular aim in life. Not only that, but a large proportion of those who do graduate from the elementary schools and have the opportunity to secure a high-school or academic education are fitted only for general clerical work, and help only to still further increase the supply of a

kind of labor already very much underpaid. Everywhere there are thousands of young men wasting their efforts along unprofitable lines of endeavor who would be valuable members of society if they could only have had the advantages of a special training in their earlier years.

Mr. Chairman, I am very proud of the fact that my city of Cambridge, Mass., was almost the first, if not the first, city in this country to establish a manual training school, known the country over as the Rindge Technical School. Over the main door of that school building, which was given to us by the generosity of one of our public-spirited citizens, in letters of gold are written these words:

Work is one of our greatest blessings. Everyone should have an honest occupation.

Now, the great purpose of this bill, the great fundamental principle underlying this bill, is to promote industrial education, not in our colleges, because a very large percentage of our boys and girls never have an opportunity to go to college, but in our secondary schools, and that sort of industrial education is absolutely essential to the conservation of our national resources and to any real national preparedness.

Another question in which a great many people are interested is the divorce evil, which has come to be a national scandal. Now, it is a well known fact that a very large proportion of the divorces in this country to-day might have been avoided if the girls had been good home makers. One of the objects of this bill is to establish throughout the country the teaching of home economics in our public schools so that the women of to-morrow may become good home makers and good mothers. It is estimated that every year at least 500,000 infants die under 2 years of age in the United States, while at the same time millions of children fail to reach their best physical development because their mothers and fathers do not understand how to properly care for them. Moreover, it has been estimated by the American School of Home Economics that at least \$1,000,000,000 of the \$10,000,000,000 annually spent in this country for food, clothing, and shelter could, with greater knowledge and efficiency, be saved and added to the productive wealth of the Nation. The possible economic saving to the people of the United States as a result of the scientific teaching of home economics is beyond calculation.

Still another question which has assumed very great importance and is at the present moment engrossing public attention is the high cost of living. One of the principal reasons for the increase in the cost of food products is the fact that our agricultural production has not kept pace with the increase in population. This in turn is due to the fact that a larger and larger proportion of our population are becoming consumers and a constantly smaller proportion are becoming producers. In support of this statement I wish to read from the testimony of Mr. Joseph Chapman, jr., chairman of the committee of northwestern State agricultural colleges, at a hearing before the Senate Committee on Agriculture and Forestry in March, 1912, which was referred to by Senator PAGE, of Vermont, the pioneer in the movement for vocational education, in a speech delivered in the Senate in 1912:

We found our boys and girls were leaving the farms and going to the cities. In Minnesota one-third of the population of that State lived in three cities. We went about to find out the reasons why the boys and girls were leaving the farms and flocking to the cities, leaving our men and their wives, who ran the farms, without help, or with very incompetent hired help. It was a discouraging situation. At the Hull House, in Chicago, last June a man made a canvass of the chief lodging houses in that city and found that there were 20,000 young men under the age of 25 who were sleeping in basements where the water would ooze up through the floors and where they would lie down to sleep with nothing but a newspaper between them and the floor. Those young men were from the farms of our Central States—men looking for jobs in cities. We reached the conclusion that it was largely an educational problem. We found in Minnesota that in 1909 there were 435,000 children of all ages in our schools, which schools were conducted at an expense of about \$14,000,000 to the State. Of that 435,000, Mr. Chairman, 1,832 were in our agricultural schools and colleges. In other words, Minnesota was educating 99.6 per cent of the coming generation to be consumers and four-tenths of 1 per cent to be producers, and if you think those figures are exaggerated and do not fit in there, look into the situation in your own State, and you will find Minnesota is not alone.

We have drifted away from practical education and have gotten largely into theoretical and what is called intellectual education, so that the problem in Minnesota is now to get the knowledge from the agricultural schools in our great States out to the 1,000,000 people who live on the farms in the State of Minnesota. There are \$400,000,000 worth of products produced annually by these million people living on the farms, and yet Minnesota practically stood still in her rural population in the last 10 years, while the great States of Iowa and Missouri dropped backward.

But, gentlemen, it is going to take a very long time before this information is going to percolate and get to the people under our present methods. In our own school system in the State of Minnesota we have changed in the last three years. There are now in Minnesota 80 high schools where agriculture, domestic science, and vocational training are taught, and the reason there are not more is because we can not get the instructors.

Mr. Chairman, it is the main purpose of this bill to provide the several States with a sufficient number of teachers competent to teach these very subjects.

Another reason for the high cost of the necessities of life is the inefficiency of our agriculture, as a result of which we do not get anywhere near as much production from our farms as we should. In support of this statement I wish to call your attention to a table showing the increase in yield of five staple crops in Germany and the United States, from 1878 to 1909, to be found on page 13 of Senate Document No. 76, Sixty-second Congress, first session.

Increase in yield of five staple crops in Germany and the United States.

	Germany.		United States.		Increase.			
	1878-1883	1909	1879	1909	Germany.	United States.	Germany.	United States.
	<i>Bushels per acre.</i>	<i>Bushels per acre.</i>	<i>Bushels per acre.</i>	<i>Bushels per acre.</i>	<i>Bushels.</i>	<i>Bushels.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Rye.....	15.7	29.4	14.5	16.1	13.7	1.6	57.2	10.9
Wheat.....	19.2	30.5	13.8	15.8	11.3	2.0	58.8	14.2
Barley.....	24.5	39.4	24.0	24.3	14.9	.3	60.8	1.2
Oats.....	31.8	59.1	23.7	30.3	27.7	1.6	85.8	6.7
Potatoes.....	115.5	208.9	98.9	106.8	93.4	7.6	80.8	7.6

From this table the following facts appear:

In rye Germany increased her production 87 per cent, the United States only 10 per cent.

In wheat Germany increased her production 58 per cent, the United States only 14 per cent.

In barley Germany increased her production 60 per cent, the United States only 1 per cent.

In oats Germany increased her production 85 per cent, the United States only 6 per cent.

In potatoes Germany increased her production 80 per cent, the United States only 7 per cent.

The Yearbook of the Department of Agriculture for 1914 shows that in the year 1913 the Empire of Germany, with an area equal to Minnesota, Iowa, and Missouri, produced more barley, almost twelve times as much rye, three-fifths as much oats, and more than six times as many potatoes as we do in the whole United States.

In 1913 Germany had 44,213,000 acres sowed to wheat, barley, rye, oats, and potatoes and harvested therefrom 3,498,775,000 bushels, while from 102,307,000 acres sowed to the same crops in the United States American farmers harvested only 2,436,243,000 bushels. In other words, from considerably less than one-half of the area German farmers harvested more than 1,000,000,000 more bushels.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kentucky?

Mr. DALLINGER. Yes.

Mr. POWERS. Will the gentleman state how long it has been that Germany put on foot her industrial and mechanical training schools?

Mr. DALLINGER. I can not tell the gentleman exactly. I know that it has been for at least a generation.

Mr. POWERS. It has been about 30 years.

Mr. DALLINGER. Yes; that is what I understand. The fact that Germany has been cultivating her soil for centuries proves conclusively that our lands may be made to double their yield by progressive and scientific farming.

The Republic of France has the same area as three of our greatest wheat-producing States—Kansas, Minnesota, and North Dakota. In 1913 France sowed 16,166,000 acres to wheat, while the three States in question sowed to the same crop 18,420,000 acres. In the same year the French farmers harvested 321,000,000 bushels, or 20 bushels to the acre, while the farmers of Kansas, Minnesota, and North Dakota obtained only 233,878,000 bushels, or 12.9 bushels to the acre.

In short, what we need in this country to meet the problem of the high cost of living is more farmers and better farmers, and this bill properly administered will give us both.

Mr. Chairman, the passage of this bill will mean better homes, better men and women, and a better citizenship. The bill itself is a genuine measure for the conservation of our natural resources without any confiscation of private capital. It establishes a kind of national preparedness that is not destructive, but constructive. Its wise administration will inevitably result in an abundant food supply and hence a lower cost of living for the masses of our people. In short, it is a wise, comprehensive, and farsighted piece of legislation for the common welfare of the people of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. DALLINGER. I ask permission, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUGHES. Mr. Chairman, I yield five minutes of my time to the gentleman from Alabama [Mr. HUDDLESTON].

The CHAIRMAN. The gentleman from Alabama [Mr. HUDDLESTON] is recognized for five minutes.

Mr. HUDDLESTON. Mr. Chairman, education of the masses is the imperative requirement of every democracy. Without it no government of and by the whole people can be good or successful. When the masses are without education, democracy is in danger, and the liberties of the whole people are threatened.

The education required for successful self-government is not mere literacy and acquaintance with letters, the ability to read and write; it must include training to think, to reason, and to decide upon public questions. Ability to read is in itself a source of danger when the power to discriminate, to accept the true and reject the false, does not accompany it.

Always the affairs of government have been under the control of the few, of a small class which by reason of its wealth, prestige, and superior opportunity was able to impose its will upon the many. In former years the few were able to control public affairs through selfish or corrupt bosses and similar influences. With the spread of literacy the many have been reached and public opinion has been controlled through the press and other printed propaganda. Though the form of the government be a democracy, it is plain that there can be no real and effective democracy unless the masses are trained to think for themselves, to have the courage of their convictions, and to reject the poison which selfish interests are able to distill through the corrupt newspaper and the false printed page.

Education in its broad sense has no particular relation to letters. A man is not educated merely because he is filled with the lore of schools and familiar with books. Education in the big sense is training, training in self-control of mind and heart and hand. A man may be illiterate and yet have a mind so trained that he may set it to grapple with a problem, as a skilled workman would use his hand upon a machine. We of the latter time are too prone to look upon the knowledge of printed books as all sufficient and to lose sight of the great purpose of true education which is to fit a man for the duties and responsibilities of life so that all the world may be happier and better because he has lived.

Education in its narrow scholastic sense is merely a kit of tools which enables the mental workman to perform his task more easily. The illiterate man goes into life with his bare hands. He can not use the tools fashioned by the experience of others. He must make his own ax with only rough stones to shape it. His hammer, his saw, and his plane are created by his own experiments, with his bare hands and of crude materials. That an illiterate man may do fine work is possible; that his task is more difficult and requires a higher ingenuity, greater initiative, and more industry and determined effort is absolutely sure.

In every civilized community in the world the State either in its general or local form has assumed responsibility for many of the phases of liberal education, especially those of an elementary grade in which the large majority of children are concerned. It is an accepted principle of social organization that the State should encourage individuals to develop and exercise all those functions which are useful to society. Private agencies like the home, the church, the press, the stage, and the library contribute much to liberal education, but it has been demonstrated that many elements of liberal education can be guaranteed to all alike only through State action.

In progressive communities the State is also assuming responsibility for phases of physical education. This is evidenced by laws requiring the teaching of hygiene; by public control of such phases of school environment as seating, building, textbooks, facilities for play, and other factors of a hygienic nature; and, finally, by the development of a medical inspection of school children and the use of school nurses to make this medical inspection effective. Though this physical education is not, directly speaking, a part of liberal education it is expected to react on it and it also possesses ends of its own which justify State action.

By vocational education is meant all that training and instruction whose controlling purpose is to enhance in a permanent fashion the productive capacity of the individual. Vocational education thus aims primarily at developing the capacity for

self-support and capacity to produce a surplus, but it also aims to insure that capacity for self-support which shall be of a prolonged character, and, at least, not antagonistic to physical, civic, and cultural well-being. That is vocational education which aims to train the producer, the worker, the wage earner in different callings. Education for law, medicine, salesmanship, stenography, farming, stock raising, trades, factory specialties, or household management is all vocational education. Vocational education may aim to give not merely the immediate technique, skill, knowledge, and insight necessary, but also to give the general intelligence, the ideals and appreciations of civic situations, and the physical wholesomeness which will insure, as far as practicable, growth in productive capacity, satisfaction in work, and the capacity to develop and maintain good social relations with other producers, whether fellow workers, employees, employers, or consumers. Though vocational education and liberal education may have essentially different aims they mutually reinforce each other. Any division of organized knowledge or skill may be made an end either of vocational or of liberal study. Music is a vocational study for the musician, and a liberal study for workers in other fields. Cotton manufacturing may be studies for cultural purposes by boys and girls destined for other callings or for vocational purposes by those who are to specialize as producers in this field. To the workingman some study of law may have a cultural or civic significance, but such study is vocational mainly for the lawyer.

It is the highest duty of governments to concern themselves with the education which will fit their people for citizenship. Such education no less includes the ability to earn a livelihood than the knowledge of letters which gives the individual a larger outlook on life. Man's first necessity is for bread. That he must have. It is a mockery to take up the child's time with a training which leaves him at its end unable to earn a living. A minimum of necessities of food, clothing, and shelter is essential to peace, good order, and the public welfare. Every interest of public health, economics, and spirituality is bound up with the well-being of the humblest member of society.

Education needs to be practical and for a certain and definite purpose. College men are often scoffed at as being unfitted for any useful vocation, as having been taught a smattering of many things with a thorough knowledge of nothing. Education as a whole is less popular with the masses because of the general impression that it is based on faulty principles. There is much ground for this criticism. Too close have we adhered to the idea that education is designed to make "a scholar and a gentleman" instead of a useful man. Too closely have we followed the old ideal of seeking by our schools to duplicate the type of the English country squire, an amiable, accomplished, brave, and high-minded parasite on society.

I have often feared that certain sections of America have followed the old ideals in education more closely even than the people of the Old World. We have been more conservative even than they. Too much are our boys encouraged to enter the professions. More brains is frequently required in business and industry than in professional life, and the rewards are greater. Frequently a high-class and useful mechanic is spoiled in the making of an indifferent physician or lawyer. Ridicule is sometime heaped on professional men that they are more poorly paid than a good mechanic; but this is not a matter for sneers nor even for comment, for often the mechanic is the more useful citizen and frequently expends more talent and energy in his work than the professional man in his calling. Even our trade schools are devoted too much to teaching theory instead of practice and to fitting men for superintendence and the higher branches of industry. We have too many men trained for engineers of various kinds and for managers and foremen. Too many are trained to aspire to be officers, when the great need is for privates in the industrial army.

Public education is the cause of the masses. It is their only hope and their vital necessity. The wealthy classes can always be sure of such training as they desire for their young, but the man who toils for a day's wages must educate his boy and his girl at the public school if they are to be educated at all. The common man should make the public school his chief concern, for upon it depends the future of his own children and all similarly situated. As a citizen he should bend his every energy to see that the public school is properly equipped and maintained and that the course of instruction is practical, such as will fit the common people for the life that they are compelled to lead whether they will or not, a life of usefulness and self-support. And since the welfare of the masses, the producing class, is of chief importance, every patriot, every lover of his country, whether he belongs to the workers or not, should make the public school the object of his deepest solicitude. All men are indeed brothers and all must stand or fall together, but though the

citizen fails to recognize this eternal truth he must still cherish public education if he would preserve the institutions of our country.

The vocational education that I contend for is that which fits the youth of the land to make its way in the world, that teaches horse sense and good judgment as applied to the business of earning a living. Such training should produce better mechanics, better-kept homes, better farmers, and more fruitful fields. By it the workingman will increase his output and must be secured in a larger wage and shorter hours of labor for a day's work. By it the yield of the farm will be enhanced so that the cost of living will be reduced, farm incomes multiplied and reflected in better farm dwellings, more of the comforts of life, rural life made more attractive, and the farming population increased.

In providing for vocational education we should carefully preserve the democracy of the public school. It is the Nation's real melting pot, where prejudices of caste and class are broken down and where young Americans learn to respect their fellow citizens of differing types, blood, and antecedents. It is the mightiest influence in our great young Nation to soothe the antagonisms of varying sects, parties, and associations. We must be careful to preserve this democracy. Those who expect to enter manual occupations must not be segregated from their fellow pupils, but must be kept in close touch with them, so as not to constitute a separate class. We must not make the mistake which has been made by some European countries where children designed for useful occupations are from the beginning separated from those who are seeking a mere liberal education.

The vocational education which I support is not that which would teach a mechanic a trade. It would not fit him to enter directly into a vocation or to avoid a reasonable period of apprenticeship. The training should be general and fundamental. It should be such as perhaps to shorten the apprenticeship, but it should not take the place of a period of practical instruction under the guidance of a skilled workman.

In dealing with education for industry we should keep in mind as our chief consideration the interest of labor rather than that of the industry itself. The matter should be handled from the standpoint of the workman instead of that of the employer. We should not interfere with the apprentice systems of the trade-unions, and in no respect should the labor organizations be antagonized. We must bear in mind that the trade-unionists comprise a majority of the highest class skilled workmen. No system of vocational education can hope to be successful except with the cooperation of organized labor. We should recognize that organized labor is the best judge of its own problems and of labor questions generally, and should be guided largely by its advice. Above all other things, we must be absolutely sure that any system of vocational instruction is not used to oppress labor or to destroy labor's organizations. It must not be possible to train pupils in vocational schools for use as strike breakers or for other direct effect upon labor disputes. No instrumentality of government should be permitted to intervene other than by mediation and advice in any ordinary labor dispute.

By the bill under consideration an aggregate of \$38,400,000 is appropriated for vocational education for the next 10 years. This is a small sum compared with the over \$650,000,000 appropriated for the current year alone for our Army and Navy. The appropriations proposed for next year for preparation for war aggregate about \$800,000,000, so that in the 10 years in which we are spending \$38,400,000 for education of the people for purposes of peace it is proposed to spend the vast and inconceivable sum of eight billions of dollars for war. Think of it, \$38,400,000 for welfare and happiness, \$8,000,000,000 for ruin and disaster. I would much rather reverse the expenditures, for with a productive people in a state of comfort and well-being, peace is assured, while for a nation burdened with tremendous taxes for militarism and saddled with a powerful and complex organization for fighting, war would seem inevitable.

I am for preparedness for peace, the only preparedness worth while, the preparedness which multiplies homes in the land and adorns and furnishes them, which promotes good morals and a higher spiritual life, which makes more useful and productive citizens, and gives to the world more food and more of the comforts of life. I am for preparedness for peace. It means pure religion, better physical life, and a better-founded love for liberty and for American institutions. It means the development of civilization and evolution into a higher and nobler existence for mankind. [Applause.]

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby annually appropriated, out of the money in the Treasury not otherwise appropriated, the sums provided in sections 2, 3, and 4 of this act, to be paid to the respective States for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects, and of teachers of trade and industrial subjects, and in the preparation of teachers of agricultural, trade, and industrial, and home economics subjects; and the sum provided for in section 7 to the Federal Board for Vocational Education for the administration of this act, and for the purpose of making studies, investigations, and reports to aid in the organization and conduct of vocational education, which sums shall be expended as hereinafter provided.

Mr. HUGHES. Mr. Chairman, I move to amend by striking out all after the enacting clause and substituting therefor the text of the House bill.

The CHAIRMAN. The gentleman from Georgia moves to strike out all after the enacting clause and substitute the House bill.

Mr. POWERS. Mr. Chairman, did not we some days ago, by unanimous consent, get permission to substitute the House bill for the Senate bill?

The CHAIRMAN. That is the effect of the adoption of this motion.

Mr. POWERS. I understand that; but if we got it by unanimous consent there is no need of this motion.

The CHAIRMAN. The present occupant of the chair is not informed of any such agreement.

Mr. LENROOT. The House, under the unanimous-consent agreement, is considering the Senate bill, and the motion of the gentleman from Georgia is pending.

The CHAIRMAN. That is correct.

Mr. HUGHES. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. BORLAND having taken the chair as Speaker pro tempore, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 703, and had come to no resolution thereon.

Mr. KITCHIN. Mr. Speaker, I give notice that this bill will be taken up on the 2d day of January immediately after the reading of the Journal. I move that the House do now adjourn.

ADJOURNMENT.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House, under the concurrent resolution previously adopted, adjourned until Tuesday, January 2, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of State, transmitting a copy of a circular issued by the Nobel committee furnishing information as to the distribution of the Nobel peace prize for the year 1917 (S. Doc. 644); to the Committee on Foreign Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting report of the Director of the Bureau of War Risk Insurance giving details of the receipts and expenditures of the bureau from December 1, 1915, to November 30, 1916 (H. Doc. No. 1795); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Chief Justice of the Supreme Court of the District of Columbia, transmitting decree of the court in the case of *United States of America v. Littlefield, Alvord & Co., Christian Heurich, and the Cranford Paving Co.* (H. Doc. No. 1796); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting urgent estimate of deficiencies required by the Quartermaster Corps, United States Army, to complete the service of the fiscal year ending June 30, 1917 (H. Doc. No. 1797); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of communication from the president of the Board of Commissioners of the District of Columbia submitting an urgent estimate of deficiency in the appropriation for the Public Utilities Commission of the District of Columbia for the fiscal year ending June 30, 1917 (H. Doc. No. 1798); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting

a supplemental estimate of appropriation required by the Quartermaster Corps for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 1799); to the Committee on Military Affairs and ordered to be printed.

7. A letter from the Superintendent of the State, War, and Navy Department Buildings, transmitting report concerning the purchase and exchange of typewriters during the fiscal year ended June 30, 1916 (H. Doc. No. 1800); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation for contingent expenses of the War Department during the fiscal year ending June 30, 1916 (H. Doc. No. 1801); to the Committee on Expenditures in the War Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HERNANDEZ, from the Committee on Indian Affairs, to which was referred the bill (S. 5424) to construct a bridge in San Juan County, State of New Mexico, reported the same with amendment, accompanied by a report (No. 1246), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 18421) to reimburse Robert Reid and Charles C. Eckliff, United States local inspectors of steamboats, for defending themselves on account of their arrest and prosecution growing out of the steamer *Eastland* disaster on the Chicago River, July 24, 1915, reported the same without amendment, accompanied by a report (No. 1247), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 19350) to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

By Mr. MORIN: A bill (H. R. 19351) for the enlargement of the post-office building in Pittsburgh, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. DILLON: A bill (H. R. 19352) to authorize the Secretary of War to make a survey of the Missouri River between Yankton and Vermilion, S. Dak., for the purpose of preventing ice gorges; to the Committee on Rivers and Harbors.

By Mr. WHALEY: A bill (H. R. 19353) waiving the age limit for admission to the United States Marine Corps in the case of Bartley Bull; to the Committee on Naval Affairs.

By Mr. HICKS: A bill (H. R. 19354) providing for a survey at Gardiners Island in the State of New York; to the Committee on Rivers and Harbors.

By Mr. GREEN of Iowa: A bill (H. R. 19355) to fix the tax imposed on manufacturers of adulterated butter at \$50 per annum; to the Committee on Agriculture.

By Mr. KALANIANAOLE: A bill (H. R. 19356) granting to the Legislature of the Territory of Hawaii the power to legislate concerning the public lands of the Territory of Hawaii; to the Committee on the Territories.

Also, a bill (H. R. 19357) granting to the Legislature of the Territory of Hawaii the power to prohibit the importation of intoxicating liquors into the Territory of Hawaii, to prohibit the manufacture and sale of such liquors therein, and to submit to the qualified electors of the Territory the question of whether the importation, manufacture, and sale of such liquors may be prohibited; to the Committee on the Territories.

Also, a bill (H. R. 19358) granting to the Legislature of the Territory of Hawaii additional powers relative to elections and qualification of electors; to the Committee on the Territories.

By Mr. LEVER: A bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918; to the Committee of the Whole House on the state of the Union.

By Mr. BARKLEY: A bill (H. R. 19360) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BENNET: Resolution (H. Res. 419) to provide for a committee to investigate emigration from and immigration to the United States as affected by the European war; to the Committee on Rules.

By Mr. WOOD of Indiana: Resolution (H. Res. 420) asking for investigation of conflicting interpretations placed upon President's note to belligerent powers by the State Department, and fluctuations of market caused thereby; to the Committee on Rules.

By Mr. BAILEY: Resolution (H. Res. 421) authorizing the investigation of the prices of print paper; to the Committee on Rules.

Also, resolution (H. Res. 422) indorsing and approving the action of the President of the United States in notes relative to terms of peace; to the Committee on Foreign Affairs.

By Mr. MORRISON: Joint resolution (H. J. Res. 327) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 19361) granting an increase of pension to Samantha McCann; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 19362) granting an increase of pension to James Irvine; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 19363) granting a pension to Elbert B. Marshall; to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 19364) for the relief of Faxon, Horton & Gallagher; Long Bros. Grocery Co.; A. Rieger; Rothenberg & Schloss; Ryley, Wilson & Co.; and Van Noy News Co.; to the Committee on Claims.

By Mr. CANDLER of Mississippi: A bill (H. R. 19365) granting an increase of pension to William A. Griner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19366) granting an increase of pension to W. W. Townley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19367) granting an increase of pension to Luther Sealey; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 19368) granting an increase of pension to William Mooneyham; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 19369) granting an increase of pension to Dwight D. Wilbur; to the Committee on Invalid Pensions.

By Mr. HEATON: A bill (H. R. 19370) granting an increase of pension to Michael J. Rowland; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 19371) granting an increase of pension to James McKittrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19372) granting a pension to Lizzie A. Seamans; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 19373) granting an increase of pension to William H. Phelps; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 19374) granting an increase of pension to James F. Bellew; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 19375) granting an increase of pension to Samuel D. Mowery; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 19376) granting an increase of pension to John P. Mead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19377) granting an increase of pension to Lucinda Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19378) granting a pension to David C. Stephens; to the Committee on Pensions.

Also, a bill (H. R. 19379) granting a pension to Benjamin H. Kimbler; to the Committee on Pensions.

Also, a bill (H. R. 19380) granting a pension to G. W. H. Kimbler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19381) granting an increase of pension to William Patrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19382) granting an increase of pension to Jackson Cornett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19383) granting an increase of pension to James Alumbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19384) granting an increase of pension to Anderson Amis; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 19385) granting an increase of pension to Ebenezer Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19386) granting an increase of pension to James F. Doyle; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 19387) granting an increase of pension to Charles Schmidt; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 19388) granting an increase of pension to G. E. Gleason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19389) granting an increase of pension to Henry L. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19390) granting a pension to Benjamin C. Read; to the Committee on Pensions.

By Mr. MATTHEWS: A bill (H. R. 19391) granting an increase of pension to Frank B. Gorman; to the Committee on Pensions.

By Mr. MOSS: A bill (H. R. 19392) granting an increase of pension to William B. Zenor; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 19393) for the relief of the estate of P. A. Clute, deceased; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 19394) granting an increase of pension to Jesse Palmatier; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 19395) granting an increase of pension to Charles Baker; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 19396) granting an increase of pension to Lytle McCracken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19397) granting an increase of pension to La Fayette Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19398) granting an increase of pension to Riley Rickards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19399) granting a pension to John T. Garrett; to the Committee on Pensions.

Also, a bill (H. R. 19400) granting an increase of pension to William Neely; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 19401) granting a pension to George S. Polen; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 19402) granting a pension to John Bresett; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 19403) granting an increase of pension to Greenbury Vickery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19404) granting a pension to Kate Frances Getts; to the Committee on Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 19405) granting a pension to Rosa L. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19406) granting an increase of pension to Margaret E. Dunn; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 19407) granting a pension to Asa W. Coplin; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 19408) granting an increase of pension to Henry H. Parsons; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 19409) granting an increase of pension to Amos B. Horton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 19002, for relief of Crawford Byers; to the Committee on Invalid Pensions.

By Mr. CLINE: Petition of 55 Indiana citizens favoring the passage of House bill 10060, the Lobeck bill, for the classification of salaries of the 3,000 employees of the Bureau of Animal Industry; to the Committee on Agriculture.

By Mr. DALE of New York: Petition of the Pictorial Review Co. against increase in postage expense; to the Committee on the Post Office and Post Roads.

Also, memorial of Bronx Board of Trade against curtailment of pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of International Union of the United Brewery Workmen against national prohibition; to the Committee on the Judiciary.

By Mr. DARROW: Petition of 47 citizens of West Philadelphia, Pa., to exclude liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Liquor Dealers' Protective Association of Illinois against national prohibition; to the Committee on the Judiciary.

Also, petition of Variety Manufacturing Co., of Chicago, Ill., against abandonment of the pneumatic mail-tube service in Chicago; to the Committee on the Post Office and Post Roads.

Also, petition of John H. Ganger & Co., of Chicago, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Theodore Gilbert, of Hartford, Conn., favoring bill for maimed soldiers' pensions, House bill 14428; to the Committee on Invalid Pensions.

Also, memorial of American Association of State Highway Officials, favoring completion of the topographic map of the United States; to the Committee on the Public Lands.

Also, petition of Brotherhood of the Calvary Baptist Church, Washington, D. C., favoring bill for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GALLIVAN: Petition of terminal railway post-office clerks relative to classification of terminal railway post offices; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Petitions of St. Louis business houses, urging reduction in postal rates on first-class matter; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of John Garver and 11 other post-office employees of Mount Pleasant, Mich., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MCCLINTIC: Petition of postal employees of Clinton, Cal., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petition of Caradine Harvest Hat Co., Bradley-Steach Machine Co., Meyer-Schmid Grocery Co., St. Louis Sticker Co., and Silver Laundry Co., all of St. Louis, Mo., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Workingmen's Mutual Aid Association of St. Louis, Mo., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: Petition of J. C. Staples, of Philadelphia, and Rev. James Henry Darlington, of Harrisburg, both in the State of Pennsylvania, for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of John Hoehn, secretary of the International Union of the United Brewery Workmen of Pittsburgh, Pa., protesting against the District of Columbia prohibition bill, also national prohibition bill; to the Committee on the Judiciary.

Also, petition of International Union of United Brewery Workmen of Cincinnati, Ohio, and Trades Union Liberty League of Pittsburgh, Pa., against prohibition in the District of Columbia and national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Papers to accompany House bill 16848, granting an increase of pension to James K. Nichols; to the Committee on Invalid Pensions.

By Mr. SNELL: Petition of various employees of the customs service at Rouses Point, N. Y., urging that all employees of that service be given an increase of salary at the present session of Congress; to the Committee on Appropriations.

By Mr. YOUNG of North Dakota: Memorial of General Crook Post, No. 33, Grand Army of the Republic, Devils Lake, N. Dak., favoring passage of the volunteer officers' retired bill; to the Committee on Military Affairs.

SENATE.

TUESDAY, January 2, 1917.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast in Thy providence brought us once more to the place of our reckoning of time. It is a place of holy memories and of divine inspiration. We turn our faces toward the coming days with high hopes and with confidence in the final supremacy of the great national ideals. The ship of state turns its way upon a stormy sea. A hundred million spirits depend upon the leadership of the men whom Thou hast called into places of authority and power. Give to them spiritual vision and hearts to see God, leading us on in the great conquests of peace. Grant, we pray, that this year we may achieve a nation's highest ideal and ambition in the establishment of peace and good will among men. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore (Senator WILLARD SAULSBURY) took the chair.

JOSEPH E. RANDELL, a Senator from the State of Louisiana, appeared in his seat to-day.

The Journal of the proceedings of Friday, December 22, 1916, was read and approved.

PERSONAL EXPLANATION.

Mr. STONE. Mr. President, I rise to a question of personal privilege. Much has been said recently about what has been called a "leak" from official sources with respect to certain important official acts, which "leak," it is said, affected the stock market in New York. I need not say more about that, for the reason that everyone within my hearing is familiar with the newspaper gabble about the subject referred to.

My attention has been called to an article appearing in the Ottumwa (Iowa) Daily Courier of December 21 of the year just ended. This article is apparently in the form of a dispatch from New York, and I would think from its printed appearance that it was sent out by some news agency, telling about the break in the stock market, the losses, and the profits of speculation. I read the closing paragraph of this dispatch, which is as follows:

Total sales up to 1 o'clock December 21 approximated 2,000,000 shares, indicating that the full day's trading would probably exceed all records. Of this amount, United States Senator STONE alone contributed 574,900 shares.

I do not think I would dignify this statement by any notice whatever except for the fact that so much has been said and is being said about this affair. The article is headed "Market in a panic," and if this dispatch be true, inasmuch, according to this dispatch, I was either selling or buying about one-fourth of all the stock dealt in on that day of panic, I must have had a great deal to do with the panic.

I take it, Senators, that it is needless to say, and yet I feel I ought to say, not in my defense but as emphasizing an example of newspaper mendacity or news agency mendacity, that I did not buy or sell one penny's worth of stock of any kind. The story as to me is just simply an unvarnished falsehood.

I do not care to say more about that; what I have said is enough. And yet I crave permission to add that these wild, panicky stock speculation stories do concern me at least in two ways: First, if it be true that any public official has used any confidential or secret information, as has been alleged, to further his interests in speculation on the stock markets, he is an unspeakable scoundrel. If any man in legislative life did a thing like that, which I am bound to believe impossible; if any Senator did a thing like that, which still more I believe to be impossible, he ought to be dismissed from the body he dishonors.

Mr. President, I do not know whether there is any foundation for these sensational stories; I mean I know nothing of the facts in this particular instance—only I believe, for the most part, the charges are lies. I do know that some things have occurred in the State Department that ought not to have been possible. I do know that confidential communications made years ago by foreign Governments to the State Department, communications that would never have been made, which could not have been made, except in the faith that our State Department would hold them sacred, have by some means found their way into the hands of men not authorized to receive them. I am not the only Senator present who knows that; yet I think I might take this occasion to refer to it. The things to which I refer did not concern stock markets; they could not have affected stock values or speculations; but they did concern the honor of the Nation. This was treachery on the part of some departmental officials. Such things could have happened only through the infidelity of employees in the department. I fear that this betrayal of public confidence is in some way traceable to our wonderful civil service. Let me say, without a moment's halting, if I could have my way I would have every administration put its own trusted men—men of its own choosing—in every really responsible place. Do not understand me as saying that the civil service should be swept off the statute books; but there are men now holding important and confidential relations to the State Department, and no doubt in other departments, who have no reason, except as they individually may be honest men and true, to be faithful to their chiefs. Many of them, I am sure, would be happy to see the administration in which they serve a failure. I think those who hold positions of control and of dominating influence—the chiefs of divisions and up—should be in hearty sympathy with the administration under which they serve. Otherwise you have unfriendly captains on guard. That is all I care to say about that, but I think this an opportune occasion to impress the importance of this view.

The second view I have of this stock-market business is this, that I do not care the snap of my fingers about whether the